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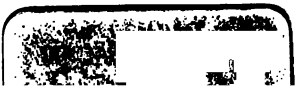

M. TULLII CICERONIS

PRO

SEXTO ROSCIO AMERINO

ORATIO AD IUDICES.

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ORATIO AD IUDICES.

WITH AN INTRODUCTION AND NOTES.

EDITED, AFTER

KARL HALM,

BY

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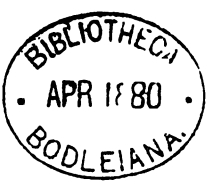

London:

MACMILLAN AND CO.

1879.

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LONDON:
PRINTED BY WILLIAM CLOWES AND SONS,
STAMFORD STREET AND CHARING CROSS.

PREFACE.

THE Notes in this volume are for the most part paraphrased from those of Professor Halm, with the kind permission of the Author, whose text (eighth edition, Berlin 1877) has been followed throughout. The notes within brackets have been drawn from other sources, especially from Richter's edition (re-edited by Fleckeisen, 1877). The Introduction is based on that of Halm, but it has been remodelled and enlarged, and an analysis of the speech has been added.

The Editor's best thanks are due to Mr. W. Warde Fowler of Lincoln College, his friend and former tutor, for much valuable help and advice.

UPPINGHAM, *October* 1879.

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INTRODUCTION.

A.—The History of the Case.

1. The trial of Sextus Roscius for parricide was the first *causa publica*[1] or criminal case in which Cicero was engaged. It took place in his twenty-seventh year, B.C. 80, under the following circumstances.

Sextus Roscius, the father of the accused, was a wealthy[2] and respected[3] citizen of the *municipium* of Ameria (the modern Amelia) in Umbria, situated about 30 miles north of Rome. He was intimate with several noble families,[4] and usually lived[5] in Rome, leaving his thirteen estates under the management of his son Sextus.[6] In the summer or

[1] § 59. A *causa publica* was one which concerned the State (*populus*), and dealt with an offence not against an individual (*privatus*), but against the whole citizen-body. Wilful murder was such an offence, as it threatened the public safety.

[2] § 20: *nam fundos decem et tres reliquit, qui Tiberim fere omnes tangunt.* [3] § 15.

[4] § 15: *cum Metellis, Servīliis, Scipionĭbus erat ei non modo hospitium, verum etiam domesticus usus et consuetudo.* Cp. §§ 27, 77, 148 sq. [5] § 16. [6] §§ 18, 42 sqq.

autumn of B.C. 81 the elder Roscius, while returning at night from a supper-party in Rome, was attacked near the Pallacinian baths[7] and murdered. The son was not in Rome; but a relative and fellow-townsman of the deceased, T. Roscius Magnus, who was in Rome,[8] sent news of the murder immediately[9] after it was committed to Ameria, by a courier, one Mallius Glaucia; not however to the house of the son, but to that of another relative, T. Roscius Capito.[10] Both these relatives, Magnus and Capito, had been on bad terms with their late kinsman, owing to a dispute about property.[11] Within the next four days, news of the murder was brought—probably by Magnus and Capito[12]—to L. Cornelius[13] Chrysogonus, a freedman and

[7] These were situated close to the circus Flaminius.

[8] §§ 18, 92. [9] § 97. [10] §§ 19, 96 sqq.

[11] § 87: *inimicitias tibi fuisse cum Sex. Roscio et magnas rei familiaris controversias concedas necesse est.* Cp. §§ 17, 19, 86, 88.

[12] § 107: *ipsos certo scio non negare ad haec bona Chrysogonum accessisse impulsu suo.*

[13] He received this name because he owed his freedom to L. Cornelius Sulla. See Verr. II. 4. 25, and cp. App. Bell. Civ. I. 100: 'Sulla set free and distributed among the people the youngest and strongest of the slaves of the proscribed, in number more than 10,000, and declared them Roman citizens, and called them Cornelii after himself, in order that he might have 10,000 men among the citizens ready to carry out his orders.' The name Chrysogonus often occurs in inscriptions as that of freedmen, and was also borne by a slave of Verres; see Verr. II. 1. 92.

favourite of the dictator Sulla, who was with Sulla in his camp at Volaterrae.[14]

2. It was now but a few months after the Sullan reign of terror and the Proscription. Sulla had doomed to death all who had publicly taken part against him in Italy, and all such persons were proscribed; *i.e.* a formal list of their names was made out and published. Now, since the property of the proscribed was confiscated by Sulla to reward his agents, those who coveted the possessions of others had but to contrive to have their names placed on the proscription list: thus many innocent persons fell victims merely to avarice or to private enmity. 'The slaughter did not cease,' says Sallust, 'until Sulla had enriched all his followers.'[15] In this way Chrysogonus had already acquired immense

[14] Volaterrae was one of the last towns which (after a two years' siege, B.C. 80) surrendered to Sulla. Cp. Strabo, v. 2. 6: 'There some of the Etruscans and those who were proscribed by Sulla assembled; they formed four cohorts of an army, were besieged for two years, and then surrendered the place under a truce.'

[15] Sall. Cat. 51. 32: *nostra memoria victor Sulla cum Damasippum et alios eius modi, qui malo rei publicae creverant, iugulari iussit, quis non factum eius laudabat? homines scelestos et factiosos, qui seditionibus rem publicam exagitaverant, merito necatos aiebant. Sed ea res magnae initium cladis fuit: nam uti quisque domum aut villam, postremo vas aut vestimentum alicuius concupiverat, dabat operam ut is in proscriptorum numero esset . . . neque prius finis iugulandi fuit, quam Sulla omnes suos divitiis explevit.*

wealth[16] and power.[17] On hearing of the murder of Sex. Roscius and of the large property which he had left, and learning further that the only heir, his son, could easily be got rid of,[18] Chrysogonus united with his two informants, Magnus and Capito, in a plot for getting that property into his possession.

3. The scheme was carried out as follows. Chrysogonus contrived, though the deceased had been a partisan of Sulla and the aristocracy,[19] and though the proscription list had been closed some months,[20] to get his name placed on the list ;[21]

[16] § 133 sqq.

[17] § 6: *adulescens vel potentissimus hoc tempore nostrae civitatis.* [18] § 20. [19] §§ 16, 21, 126.

[20] The day of closing was June 1, B.C. 81. Cp. § 128, *aliquot post menses et homo occisus est et bona venisse dicuntur ;* and § 21.

[21] *Tabula proscriptionis* (from *proscribere*, to write up publicly). The publication of this list was accompanied by a decree (*lex de proscriptione*, § 125) regulating the operation of the proscription; see Mommsen, Rom. Hist. III. pp. 351 sqq. Though Cicero speaks of a *lex Cornelia* in Verr. II. i. 123 ('*contra legem Corneliam, quae proscriptum iuvari vetat*'), it cannot be inferred with certainty either from this, or from the passage in the speech *de Domo sua*, § 79, that a formal decree of the people was passed concerning the proscriptions. It is more probable that Sulla published the proscription list, and had it carried into effect on his own authority, in the same manner as the Emperors later on conferred civic rights on the veterans. But when, in process of time, the legality of the proscriptions came into question, *i.e.* when the popular party denied the existence of a *lex Cornelia de proscriptione*, an endeavour was

so that his entire property fell in to the State.[22] It was then sold by public auction;[23] and as no one

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made to assume this law out of the *lex Valeria* passed on the motion of L. Valerius Flaccus, Interrex B.C. 82; because the latter law, which was passed in the Comitia centuriata, and conferred the dictatorship on Sulla (Momms. III. 348), contained also the provision (Cic. de Lege Agr. III. 5) *ut omnia quaecumque ille fecisset essent rata.* Cp. Cic. de Legg. 1. 42: *si triginta illi Athenis leges imponere voluissent, aut si omnes Athenienses delectarentur tyrannicis legibus, num idcirco eae leges iustae haberentur? Nihilo, credo, magis illa, quam interrex noster tulit, ut dictator quem vellet civium impune posset occidere.* Thus we can understand why Cicero uses the vague phrase (§ 125) *sive Valeria est sive Cornelia*, and professes to know the contents of the *lex* only from hearsay (§ 126, *scriptum enim ita dicunt esse;* and § 128, *opinor enim esse in lege*): it was, in fact, not a *lex*, but a *scriptio privata*, with which a member of the republican party did not need to be acquainted.

[22] § 126. Proscribed persons were looked on as public enemies, whose property used from the earliest times to be confiscated.

[23] The property of a proscribed person was sold as public property *sub hasta* (originally the symbol of booty won in battle, and set up in the camp when it was sold), *i.e.* by public auction, and was always sold as an undivided whole. Such a sale was called *sectio;* the purchaser, *sector:* cp. Gaius, Inst. IV. 146, *sectores vocantur qui publica bona mercantur.* The meaning of the word *sector* is very obscure, and was so even to the ancient grammarians, who derived it from *sequi, sectari*, and explained *sectores* as = *sectatores bonorum.* The derivation from *secare* (§ 80, *sectores bonorum et collorum*) seems more correct; but the theory that the purchasers were called *sectores* because they used to 'cut up' the entire property which they had bought into small divisions so as to sell it again, is surely a false one. (It is expressly contradicted by § 103: *testimonium*

dared to bid against the dreaded favourite, Chrysogonus bought it at the nominal price of 2000 sesterces[24] (~~£20 12s.~~), though the real value is said to have been six million sesterces[25] (~~£~~1,100). Three of the best estates were given[26] to Capito as his share of the spoil;[27] the ten remaining estates and the personal effects were taken possession of by Chrysogonus through Magnus, whom he had appointed steward.[28] The latter came to Ameria, hunted the rightful heir Sextus out of house and

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dicturus est is, qui et sector est et sicarius, hoc est, qui et illorum ipsorum bonorum, de quibus agitur, emptor atque **possessor** *est, et eum hominem occidendum curavit de cuius morte quaeritur.*) Since the purchaser of a property had to undertake the debts with which it was encumbered, Mommsen explains the word, with great probability, in reference to the percentage which was deducted from the price of a property, in consideration of its being saddled with debts. Thus purchasers who, instead of the full price, offered 50 per cent. of the price, would justly be called 'cutters off' (*sectores*). The property of Milo, for instance, on account of its indebtedness, was sold *semuncia*, i.e. for $\frac{1}{24}$th of its value.

[24] Plutarch, Cic. III., says διστχιλίων δραχμῶν, misunderstanding the phrase *nummum* (i.e. *sestertium*) in § 6, since the drachma was worth more than four times the sesterce.

[25] § 6.

[26] In § 17 Cicero only says *possidere audio;* but later on (§§ 21, 99, 108, 115, 117) he asserts it as a fact. We must, however, suppose that Capito did not come into possession of the three *praedia* immediately after the sale; for, if so, he could hardly have appeared amongst the *decem primi* of Ameria in Sulla's camp.

[27] § 107 sub fin.

[28] §§ 21, 108.

home, and began to give away, sell,[29] and appropriate the movable property.

4. This caused the greatest indignation in Ameria.[30] The decuriones[31] of the town resolved to send the *decem primi*, of whom Capito was one,[32] to the camp of Sulla, to give evidence of the aristocratic tendencies of the deceased,[33] and to get his name taken off the list and the sale of his property annulled.

But Capito baffled their efforts.[34] He let Chrysogonus know the object of the mission, and showed him the loss he would suffer if the sale were annulled; he prevented the embassy coming before Sulla, and contrived to put them off with the promises of Chrysogonus that their wishes should be carried out. Finally they departed without addressing their request to Sulla at all.[35]

5. Thus the conspirators remained in possession

[29] Sc. by auction; see § 23. *Auctio*, as opposed to *sectio*, meant the sale of individual articles of property. [30] § 24.

[31] In *municipia* and *coloniae* the Senate (variously named *senatus*, *ordo*, *curia*) usually consisted of 100 members, divided into decuries (*decuriones*), whence the whole body was called *ordo decurionum*. The *decem primi* who stood at the head of the decuries formed a special committee, and used to represent the community on embassies. [32] § 109.

[33] § 25: *doceantque eum (Sullam), qui vir Sex. Roscius fuerit.*

[34] §§ 109 sqq., 116 sqq. The account in § 25 is different, where Capito's share in the affair is only touched on in passing.

[35] § 26, *re inorata*, which phrase is distinguishable from *re infecta*; see note.

of their spoil. But they could not feel secure of it. The Amerini might make new efforts for their unfortunate fellow-townsman; or, as time went on, he might be reinstated through some political movement.[36] Unless he were entirely got rid of, they could not feel at ease.[37] Accordingly they began to make plots against his life. Sextus, by the advice of his friends, fled to Rome,[38] where he found shelter and protection with Caecilia,[39] a noble lady and a friend of his father:[40] thus he was safe from assassination. Magnus and Capito now formed the atrocious design of taking advantage of the crime through which the father had been got rid of, for the removal of the son. They resolved to accuse the son himself of the murder.[41]

[36] Sulla's own enactment provided against this: cp. Vell. Pat. II. 28. 4, *adiectum etiam, ut bona proscriptorum venirent exclusique paternis opibus liberi etiam petendorum honorum iure prohiberentur.* But Cicero himself suggests that his opponents anticipated such an occurrence; §§ 145 sub fin., 146.

[37] § 6: *quoniam ei pecuniae vita Sex. Roscii obstare atque officere videatur.*

[38] § 27.

[39] See §§ 27, 147, notes.

[40] § 27, *qua pater usus erat plurimum.*

[41] It is remarkable that Cicero has not noticed the inconsistency involved in this plan of his opponents. If the elder Roscius had really been proscribed, his murderer could not legally be punished, for the *lex Cornelia* promised even *rewards* to those who killed the proscribed, 'even if it be the slave who slays his master, or the son who slays his father,' Plut. Sulla, 31; while if he had *not* been proscribed, the sale of his property must have been illegal. (Richter.)

6. This plan for several reasons offered hopes of success. The father and son seem not to have been on the best of terms with one another;[42] the trouble taken by Cicero to contradict any such idea goes to show that it had some foundation, and we may infer from the assertions of the accuser that the somewhat boorish manners of the son may have offended the father's aristocratic tastes.[43] Again, the witnesses who could throw most light on the murder were two slaves, who had been with the elder Roscius in Rome; they had now passed with the rest of the property into the hands of Chrysogonus, and could not be examined without his consent.[44] The time, too, was favourable:[45] the trial would be the first held for murder after a long interruption of all judicial business, so that the strictest procedure could be expected from the jury, the voice of justice having been silent so long.[46] But the accusers built still greater hopes on the powerful influence of Chrysogonus. Through fear of the dictator, as they calculated, the accused would find no one to defend him; at any rate, no advocate would dare to say a word about the shameful sale of the property, nor to

[42] §§ 40 sqq., 52 sqq.

[43] § 74: *hunc hominem ferum atque agrestem fuisse.*

[44] §§ 77, 119–123.

[45] § 28: *ut quoniam crimine non poterant, tempore ipso pugnarent.*

[46] §§ 11, 28.

reveal the criminal plot of which the accused was to be the victim.[47]

7. To open the prosecution one Erucius, a professed accuser,[48] was suborned;[49] a man not without education, but of low descent and bad character.[50] Bribed witnesses[51] were to support the charge, among others perhaps Roscius Magnus himself,[52] who had been present in Rome at the time of the murder.

Sex. Roscius was not left in the lurch by his father's friends.[53] The party of the nobles, though closely attached to Sulla's interests, could not but feel in the highest degree aggrieved at the overpowering influence and the revolting pride of an upstart favourite, and were glad to support the cause of Sextus.[54] From fear of offending Sulla, no prominent man dared conduct the defence himself;

[47] §§ 28, 58.

[48] *Accusator vetus*, § 28: cp. § 55, note.

[49] That Erucius was assisted by additional accusers (*subscriptores*) cannot be inferred from § 17, *sedere in accusatorum subselliis*, and § 87, *qui cum accusatoribus sederes*, where the plural refers generally to his opponents (cp. 6. 30): see on the contrary, § 95, *sederes cum accusatore*; § 110, *si accusator voluerit testimonium iis denuntiare*. Cicero's not mentioning *subscriptores* is a sufficient proof that there were none.

[50] § 46.

[51] § 30: *testes in hunc et accusatores huiusce pecunia comparant*.

[52] §§ 17, 84, 85, 95, 104. We learn also that Capito intended to appear as witness; §§ 84, 100 sqq.

[53] §§ 1 sqq., 15 sub fin., 77.

[54] Cp. §§ 136–142.

but young Cicero consented to undertake it,[55] at the request of the noble friends of Sex. Roscius, especially the youthful M. Messala.[56]

B.—The Speech.

8. Cicero's defence divides into three parts.[57] In the first (§§ 37–82) he examines the accusation, and shows its entire groundlessness and the want of any corroborative evidence. An English counsel for the defence who had done this, would have done all that was necessary.[58] But Cicero goes further: in the second part of the speech (§§ 83–123) he turns from defence to attack, and shows, from the life and character of Magnus, and the incidents preceding the murder, how clearly facts pointed to Magnus and Capito themselves as the authors of the crime. In the third part (§§ 124–150) he even attacks Chrysogonus directly, and depicts with deep indignation the flagrant misuse which he had made of his power, both on

[55] § 4.

[56] § 149. It is generally supposed that the consul of B.C. 61 is meant, who attained to this office only two years later than Cicero; but Drumann (Rom. Hist. v. 237, note 84), with greater probability, thinks that the consul of B.C. 53 is meant, 'who was now sixteen years of age, reckoning from the age at which the consulship was usually obtained, and had only lately assumed the toga virilis.'

[57] § 35.

[58] Cp. Forsyth's Life of Cicero, p. 29, ed. 3.

other occasions and especially in the purchase of the property and in his heartless behaviour towards the accused.

Cicero's boldness and courage were rewarded by the acquittal[59] of his client; a result which we may conjecture that Sulla himself saw without displeasure,[60] since if such horrors had been palliated, the stability of his own institutions might have been threatened.[61] We do not know whether a *restitutio bonorum* ensued, nor whether after the acquittal of Sextus an accusation was brought against Magnus and Capito. But neither is probable. With the fear of the dictator's wrath before him, Cicero must have been well contented to have effected his client's acquittal on a dangerous charge, without wishing to attempt more.

9. Though the speech is one of Cicero's youthful performances, it has been justly held in the highest estimation both in ancient times and of late, and has won the young orator well-earned fame[62] for the courage and tact with which he carried a just cause through circumstances of the greatest diffi-

[59] Plut. Cic. 3: 'He was admired for having undertaken the defence, and for having brought it to a successful issue.'

[60] It has been well conjectured that the intercession of the Metelli, with whom Sulla was connected through his fourth wife Caecilia, mother of Faustus Sulla, had a favourable effect.

[61] §§ 137 sqq.

[62] Cic. Brut. 312: *itaque prima causa publica pro Sex. Roscio dicta tantum commendationis habuit, ut non ulla esset, quae non digna nostro patrocinio videretur.*

culty. It is true that in several places the style is youthfully overladen and strained:[63] the periods are not so rounded and full, nor the transitions so natural and unaffected, as in his later works; there are many peculiarities in the diction which are not to be found in the later speeches, though some of them are certainly due to incorrect transmission. But these individual defects are amply compensated for by the good impression which the speech makes as a whole. It shows young Cicero still in the garb of innocence; the deep conviction of the justice of his cause exalts and animates him as he speaks; none of his statements represent him as serving the interest of one party, or merely playing the advocate: in the consciousness of right he utterly forgets the powerful faction which stands opposed to him with scoffs and threats. And we should admire, no less than the manly boldness with which he faces his abandoned opponents, the moderation and prudence with which he avoids everything that can offend the all-powerful dictator. The moral indignation which speaks from every line of the speech, must have made all the deeper impression upon his

[63] Cic. Orat. 107: *quantis illa clamoribus* (applause) *adulescentuli diximus de supplicio parricidarum! quae nequaquam satis deferbuisse post aliquanto sentire coepimus: 'quid enim tam commune quam spiritus vivis . . . ut ne ad saxa quidem mortui conquiescant'* (c. XXVI. § 72)—*et quae sequuntur; sunt enim omnia sicut adulescentis non tam re et maturitate quam spe et exspectatione laudati.*

hearers in the forum, the longer the voice of justice and truth had been silenced under the pressure of brute force.

C.—The Punishment of Parricide.

10. From two passages[64] in Cicero's rhetorical treatises, we learn what was apparently the original form of the punishment of parricide. Immediately after sentence was passed, the criminal's face was covered with a wolf's skin, and wooden sandals[65] bound on his feet, as though the air might no longer be defiled by his breath nor the ground with his tread. He was then taken back to prison, but only to remain there until a sack was prepared in which he was cast into the nearest river or sea. We hear of further provisions in the Pandects:[66] *poena parricidii more maiorum haec instituta est, ut parricida virgis sanguineis* (with scarlet rods) *verberatus, deinde culleo* (made of leather) *insuatur cum cane* (an animal despised by Greeks and Romans), *gallo gallinaceo* (which, like the parricide, was devoid of all filial affection), *et vipera* (a creature universally hated, and whose birth was supposed to necessitate its mother's death[67]), *et simia* (probably as a degraded imitation of man), *deinde in mare profundum* (or into

[64] De Inv. II. 50. 149; ad Her. I. 13. 23.

[65] *Soleae ligneae*, otherwise explained as 'fetters.'

[66] XLVIII. 9. 9.

[67] Aristot. Hist. Anim. II. 8. Plin. N. H. VIII. 54; XI. 44.

a river) *culleus iactetur*.[68] The sack with its contents was thrown into the sea, in order that the criminal might be withdrawn from all the elements: '*ut omni elementorum usu vivus carere incipiat et ei coelum superstiti, terra mortuo auferatur*' (Justinian, Inst. IV. 18. 6). From the fact that Cicero does not mention the animals, while two writers under the Empire refer to them (Seneca, de Clem. I. 15, to the serpents; and Juvenal, VIII. 212, XIII. 154, to the apes), it has been inferred that they were not added till after the establishment of the Empire; but Cicero's not mentioning them can hardly be taken as a proof of this, since according to his later opinion[69] even what he does say here about the *poena cullei* is too full and copious.

11. Though Cicero and the Digest (*l. c.*) speak as if the *poena cullei* regularly occurred in practice, it is a question whether this was the case under the later republic. Zumpt[70] believes that it was inflicted only in cases where there was no need of a trial, viz. when the criminal was caught in the

[68] The symbolism of the animals has been otherwise explained: 'From the house whose peace has been broken are taken the animals who ought to have guarded and aroused it (sc. *canis et gallus*); from the wilderness are taken the constant foe (*vipera*) and the base imitation (*simia*) of man, as an offering to the offended gods.'—Richter.

[69] See above, note 63.

[70] A. W. Zumpt, Criminalrecht der Röm, vol. II., part 2, pp. 53 sqq.

very act, or when he confessed his guilt. Zumpt's arguments are :—

(1) No *quaestio* could or ever did inflict the punishment of death.

(2) Suetonius, in order to show the leniency of Augustus, describes him as dealing in the following way with a man caught in the act of parricide. The Emperor wished to get him off the punishment of the sack, and therefore put to him the leading question, 'You surely did not kill your father?' *because only those who confessed their guilt received this punishment.*[71] In such a case the criminal might answer 'No,' and then be tried and punished in the ordinary way, viz. by exile and confiscation.

We may also notice that Cicero's passage about the *culleus* in this speech[72] is evidently meant to enhance the greatness of the *crime*[73] of which his adversaries had dared to accuse Sex. Roscius, not to rouse the pity of the jury as if he were really in danger of so horrible a punishment.

D.—The Court of Justice.

12. The court of justice before which an accusation for parricide was brought, was the *quaestio*

[71] Suet. Aug. 33.

[72] §§ 70–73.

[73] § 72: *tanti maleficii crimen, cui maleficio tam insigne supplicium est constitutum*, &c.

inter sicarios. This phrase needs a short explanation.[74]

In early times, criminal cases in Rome used to come before the whole people, assembled in the *Comitia centuriata* and *tributa*. But, owing to the inconvenience of this mode of trial, the *Comitia* frequently used to delegate their power to special commissions, *quaestiones*, of one or more persons, appointed to try individual cases. The next step was to establish, instead of these temporary commissions, *permanent* commissions or courts (*quaestiones perpetuae*), which sat to try the commoner crimes: the first instance of this was the standing commission to try cases of extortion (*de pecuniis repetundis*), established in 149 B.C., on the proposal of L. Calpurnius Piso. The system grew, and was finally brought into general operation by Sulla, who much increased the number of the permanent courts. Each *quaestio* dealt with one class of offences only: thus there was a *quaestio de repetundis*, another *de peculatu*, another *de ambitu*, another *inter sicarios*,[75] and so forth; the last-named being

[74] Cp. Ramsay, Rom. Ant. pp. 288–290.

[75] The expression *quaestio, iudicium inter sicarios* (§ 11), as well as *inter sicarios deferre, accusare* (§ 90), *defendere*, was used, because there was no substantive to express the action of murder, answering to *peculatus, veneficium*, &c.; it was impossible to say *sicae deferre*, on the analogy of *veneficii deferre*, or *de sica deferre*, on that of *de vi deferre*. It was therefore said, *ita deferre ut nomen alicuius inter sicarios referatur;* instead of which the short phrase *inter sicarios deferre* and the other analogous forms came into use.

the one which dealt with murder, before which Sex. Roscius came to be tried. The law by which this *quaestio* was established (for every *quaestio* was established by a separate law) was the *lex Cornelia de sicariis et veneficiis;* but this law comprehended more than the name implies, as it was directed not only against stabbing and poisoning, but against every form of murder, including even judicial murder; and it seems to have contained special regulations as to parricide, for the *poena cullei* was expressly mentioned.[76] Apparently it was also provided that the trial of such a rare and unnatural crime should be taken *extra ordinem*, i.e. out of regular succession, before other crimes of the same class;[77] which perhaps explains the fact that the present trial was the *first* after a long cessation of judicial business.

13. The judge presiding in the *quaestio inter sicarios* in the present year (B.C. 80) was M. Fannius,[78] who had already acted as *iudex quaestionis* in a similar case.[79] The jury was composed, according

[76] See Smith's Dict. Ant. 'lex Cornelia.'

[77] Cp. Cic. de Inv. II. § 58. [78] §§ 11, 12, 85.

[79] Before the *lex Cornelia* (see above, note 21) was passed, there can hardly have been a *permanent* court *inter sicarios* (see, however, Mommsen, Rom. Hist. III. pp. 112, 372): therefore the words *cum huic eidem quaestioni iudex praeesses*, § 11, can scarcely refer to an abiding presidency in several trials, but to a commission which he had received as *vir aedilicius* to preside in some single trial for murder; the words *qualem te iam antea populo Romano praebuisti* point to the same thing. In the words *quoted above from* § 11 the reading is doubtful, as *iudex* is want-

to Sulla's reform, of senators.[80] As to their number or how they were selected, nothing precise is known: nor can any certain explanation be given of the words *qui ex senatu in hoc consilium delecti estis* **propter severitatem**, § 8. We may conjecture that the presidents of the different *quaestiones* selected their *consilia* or juries in turn, and that the president of the *quaestio inter sicarios* had first choice, or chose among the first, so that he could secure those jurors who were most distinguished for strict rectitude; or at any rate that his jurors counted as such.

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ing in one of the best MSS. and may be spurious. If genuine, *iudex=iudex quaestionis* (the latter word being supplied from *quaestioni*), which phrase signified presiding judges who were appointed to supplement the number of the praetors when the latter were not sufficient for all the *quaestiones*; cp. Ramsay, Rom. Ant. pp. 291, 292.

[80] Vell. Pat. II. 32. 3: *per idem tempus Cotta iudicandi munus, quod C. Gracchus ereptum senatui ad equites, Sulla ab illis ad senatum transtulerant, aequaliter inter utrumque ordinem partitus est.*

M. TULLII CICERONIS

PRO

SEXTO ROSCIO AMERINO

ORATIO AD IUDICES.

I. Credo ego vos, iudices, mirari, quid sit quod, 1
cum tot summi oratores hominesque nobilissimi
sedeant, ego potissimum surrexerim, qui neque
aetate neque ingenio neque auctoritate sim cum
his, qui sedeant, comparandus. Omnes hi, quos
videtis adesse, in hac causa iniuriam novo scelere
conflatam putant oportere defendi, defendere ipsi
propter iniquitatem temporum non audent. Ita
fit ut adsint propterea, quod officium sequuntur,
taceant autem idcirco, quia periculum vitant. Quid 2
ergo? audacissimus ego ex omnibus? minime. An
tanto officiosior quam ceteri? ne istius quidem
laudis ita sum cupidus, ut aliis eam praereptam
velim. Quae me igitur res praeter ceteros impulit
ut causam Sex. Roscii reciperem? Quia, si quis
horum dixisset, quos videtis adesse, in quibus summa
auctoritas est atque amplitudo, si verbum de re
publica fecisset, id quod in hac causa fieri necesse
est, multo plura dixisse, quam dixisset, putaretur:
ego autem si omnia, quae dicenda sunt, libere 3
dixero, nequaquam tamen similiter oratio mea exire

atque in vulgus emanare poterit: deinde, quod ceterorum neque dictum obscurum potest esse propter nobilitatem et amplitudinem, neque temere dicto concedi propter aetatem et prudentiam: ego si quid liberius dixero, vel occultum esse, propterea quod nondum ad rem publicam accessi, vel ignosci adulescentiae poterit, tametsi non modo ignoscendi ratio, verum etiam cognoscendi consuetudo iam de
4 civitate sublata est. Accedit illa quoque causa, quod a ceteris fortisan ita petitum sit ut dicerent, ut utrumvis salvo officio facere se posse arbitrarentur: a me autem ii contenderunt, qui apud me et amicitia et beneficiis et dignitate plurimum possunt, quorum ego neque benevolentiam erga me ignorare nec auctoritatem aspernari nec voluntatem
5 neglegere debebam. II. His de causis ego huic causae patronus exstiti, non electus unus, qui maximo ingenio, sed relictus ex omnibus, qui minimo periculo possem dicere, neque uti satis firmo praesidio defensus Sex. Roscius, verum uti ne omnino desertus esset. Forsitan quaeratis, qui iste terror sit et quae tanta formido, quae tot ac tales viros impediat quo minus pro capite et fortunis alterius, quem ad modum consueverunt, causam velint dicere. Quod adhuc vos ignorare non mirum est, propterea quod consulto ab accusatoribus eius rei, quae conflavit hoc iudi-
6 cium, mentio facta non est. Quae res ea est? Bona patris huiusce Sex. Roscii, quae sunt sexagiens, quae de viro clarissimo et fortissimo, L. Sulla, quem honoris causa nomino, duobus milibus nummum sese dicit emisse adulescens vel potentissimus hoc tem

pore nostrae civitatis, L. Cornelius Chrysogonus. Is a vobis, iudices, hoc postulat, ut, quoniam in alienam pecuniam tam plenam atque praeclaram nullo iure invaserit quoniamque ei pecuniae vita Sex. Roscii obstare atque officere videatur, deleatis ex animo suo suspicionem omnem metumque tollatis: sese hoc incolumi non arbitratur huius innocentis patrimonium tam amplum et copiosum posse obtinere: damnato et eiecto sperat se posse, quod adeptus est per scelus, id per luxuriam effundere atque consumere. Hunc sibi ex animo scrupulum, qui se dies noctesque stimulat ac pungit, ut evellatis, postulat ut ad hanc suam praedam tam nefariam adiutores vos profiteamini. Nisi vobis aequa et 7
honesta postulatio videtur, iudices, ego contra brevem postulationem adfero et, quo modo mihi persuadeo, aliquanto aequiorem. III. Primum a Chrysogono peto ut pecunia fortunisque nostris contentus sit, sanguinem et vitam ne petat; deinde a vobis, iudices, ut audacium sceleri resistatis, innocentium calamitatem levetis et in causa Sex. Roscii periculum, quod in omnes intenditur, propulsetis. Quodsi aut causa criminis aut facti suspicio aut 8
quaelibet denique vel minima res reperietur, quam ob rem videantur illi non nihil tamen in deferendo nomine secuti, postremo si praeter eam praedam, quam dixi, quidquam aliud causae inveneritis, non recusamus quin illorum libidini Sex. Roscii vita dedatur. Sin aliud agitur nihil nisi ut iis ne quid desit, quibus satis nihil est, si hoc solum hoc tempore pugnatur, ut ad illam opimam praeclaramque praedam damnatio Sex. Roscii velut cumulus accedat:

nonne cum multa indigna, tum [vel] hoc indignissimum est, vos idoneos habitos, per quorum sententias iusque iurandum id adsequantur, quod antea ipsi scelere et ferro adsequi consueverant? Qui ex civitate in senatum propter dignitatem, ex senatu in hoc consilium dilecti estis propter severitatem, ab his hoc postulare homines sicarios atque gladiatores, non modo ut supplicia vitent, quae a vobis pro maleficiis suis metuere atque horrere debent, verum etiam ut spoliis ex hoc iudicio ornati auctique discedant?

9 IV. His de rebus tantis tamque atrocibus neque satis me commode dicere neque satis graviter conqueri neque satis libere vociferari posse intellego; nam commoditati ingenium, gravitati aetas, libertati tempora sunt impedimento. Huc accedit summus timor, quem mihi natura pudorque meus attribuit et vestra dignitas et vis adversariorum et Sex. Roscii pericula. Quapropter vos oro atque obsecro, iudices, ut attente bonaque cum venia verba mea

10 audiatis. Fide sapientiaque vestra fretus plus oneris sustuli, quam ferre me posse intellego. Hoc onus si vos aliqua ex parte adlevabitis, feram, ut potero, studio et industria, iudices: sin a vobis, id quod non spero, deserar, tamen animo non deficiam et id quod suscepi, quoad potero, perferam. Quod si perferre non potero, opprimi me onere officii malo quam id, quod mihi cum fide semel impositum est, aut propter perfidiam abicere aut propter infirmitatem animi deponere. Te quoque magno opere, M. Fanni, quaeso ut, qualem te iam antea populo Romano praebuisti, cum huic eidem quaestioni [iudex] praeesses, talem te et nobis et rei publicae

hoc tempore impertias. V. Quanta multitudo homi- 11
num convenerit ad hoc iudicium, vides: quae sit
omnium mortalium exspectatio, quae cupiditas ut
acria ac severa iudicia fiant, intellegis. Longo
intervallo iudicium inter sicarios hoc primum com-
mittitur, cum interea caedes indignissimae maxi-
maeque factae sunt. Omnes hanc quaestionem te
praetore manifestis maleficiis cotidianoque sanguine
dignissimam sperant futuram. Qua vociferatione in 12
ceteris iudiciis accusatores uti consueverunt, ea nos
hoc tempore utimur, qui causam dicimus. Petimus
abs te, M. Fanni, a vobisque, iudices, ut quam
acerrime maleficia vindicetis, ut quam fortissime
hominibus audacissimis resistatis, ut hoc cogitetis,
nisi in hac causa, qui vester animus sit, ostendetis,
eo prorumpere hominum cupiditatem et scelus et
audaciam, ut non modo clam, verum etiam hic in
foro, ante tribunal tuum, M. Fanni, ante pedes
vestros, iudices, inter ipsa subsellia caedes futurae
sint. Etenim quid aliud hoc iudicio tentatur nisi 13
ut id fieri liceat? Accusant ii, qui in fortunas huius
invaserunt, causam dicit is, cui praeter calamitatem
nihil reliquerunt: accusant ii, quibus occidi patrem
Sex. Roscii bono fuit, causam dicit is, cui non modo
luctum mors patris attulit, verum etiam egestatem:
accusant ii, qui hunc ipsum iugulare summe cupie-
runt, causam dicit is, qui etiam ad hoc ipsum iudi-
cium cum praesidio venit, ne hic ibidem ante oculos
vestros trucidetur: denique accusant ii, quos populus
poscit, causam dicit is, qui unus relictus ex illorum
nefaria caede restat. Atque ut facilius intellegere 14
possitis, iudices, ea quae facta sunt indigniora esse,

quam haec sunt quae dicimus, ab initio res quem ad modum gesta sit vobis exponemus, quo facilius et huius, hominis innocentissimi, miserias et illorum audaciam cognoscere possitis et rei publicae calamitatem.

15 VI. Sex. Roscius, pater huiusce, municeps Amerinus fuit, cum genere et nobilitate et pecunia non modo sui municipii, verum etiam eius vicinitatis facile primus, tum gratia atque hospitiis florens hominum nobilissimorum. Nam cum Metellis, Serviliis, Scipionibus erat ei non modo hospitium, verum etiam domesticus usus et consuetudo, quas, ut aequum est, familias honestatis amplitudinisque gratia nomino. Atque ex suis omnibus commodis hoc solum filio reliquit: nam patrimonium domestici praedones vi ereptum possident, fama et vita innocentis ab hospitibus amicisque paternis defenditur.

16 Is cum omni tempore nobilitatis fautor fuisset, tum hoc tumultu proximo, cum omnium nobilium dignitas et salus in discrimen veniret, praeter ceteros in ea vicinitate eam partem causamque, operâ, studio, auctoritate defendit; etenim rectum putabat pro eorum honestate se pugnare, propter quos ipse honestissimus inter suos numerabatur. Posteaquam victoria constituta est ab armisque recessum, cum proscriberentur homines atque ex omni regione caperentur ii, qui adversarii fuisse putabantur, erat ille Romae frequens atque in foro et in ore omnium cotidie versabatur, magis ut exsultare victoria nobilitatis videretur quam timere, ne quid ex ea calami-

17 tatis sibi accideret. Erant ei veteres inimicitiae cum duobus Rosciis Amerinis, quorum alterum

sedere in accusatorum subselliis video, alterum tria huiusce praedia possidere audio: quas inimicitias si tam cavere potuisset, quam metuere solebat, viveret; neque enim, iudices, iniuria metuebat. Nam duo isti sunt T. Roscii—quorum alteri Capitoni cognomen est, iste qui adest Magnus vocatur—homines huius modi: alter plurimarum palmarum vetus ac nobilis gladiator habetur, hic autem nuper se ad eum lanistam contulit, quique ante hanc pugnam tiro esset, quod sciam, facile ipsum magistrum scelere audaciaque superavit.

VII. Nam cum hic Sextus Roscius esset Ameriae, 18
Titus autem iste Roscius Romae, cum hic [filius] assiduus in praediis esset cumque se voluntate patris rei familiari vitaeque rusticae dedisset, iste autem frequens Romae esset, occiditur ad balneas Pallacinas rediens a cena Sex. Roscius. Spero ex hoc ipso non esse obscurum, ad quem suspicio maleficii pertineat: verum id, quod adhuc est suspiciosum, nisi perspicuum res ipsa fecerit, hunc adfinem culpae iudicatote. Occiso Sex. Roscio primus Ameriam nuntiat 19
Mallius Glaucia quidam, homo tenuis, libertinus, cliens et familiaris istius Titi Roscii, et nuntiat domum non filii, sed T. Capitonis inimici; et cum post horam primam noctis occisus esset, primo diluculo nuntius hic Ameriam venit. Decem horis nocturnis sex et quinquaginta milia passuum cisiis pervolavit, non modo ut exoptatum inimico nuntium primus adferret, sed etiam cruorem inimici quam recentissimum telumque paulo ante e corpore extractum ostenderet. Quadriduo, quo haec gesta sunt, res ad 20
Chrysogonum in castra L. Sullae Volaterras defer-

tur; magnitudo pecuniae demonstratur; bonitas praediorum—nam fundos decem et tres reliquit, qui Tiberim fere omnes tangunt,—huius inopia et solitudo commemoratur: demonstrant, cum pater huiusce, Sex. Roscius, homo tam splendidus et gratiosus, nullo negotio sit occisus, perfacile hunc, hominem incautum et rusticum et Romae ignotum, de medio tolli posse: ad eam rem operam suam pollicentur. Ne diutius teneam, iudices, societas coitur.

21 VIII. Cum nulla iam proscriptionis mentio fieret, cum etiam, qui antea metuerant, redirent ac iam defunctos sese periculis arbitrarentur, nomen refertur in tabulas Sexti Roscii, *bona veneunt* hominis studiosissimi nobilitatis: manceps fit Chrysogonus; tria praedia vel nobilissima Capitoni propria traduntur, quae hodie possidet: in reliquas omnes fortunas iste Titus Roscius nomine Chrysogoni, quem ad modum ipse dicit, impetum facit. Haec bona *HS sexagiens* emuntur duobus milibus nummum. Haec omnia, iudices, imprudente L. Sulla facta esse certo scio.

22 Neque enim mirum, cum eodem tempore et ea, quae praeterita sunt, *sanet* et ea, quae videntur instare, praeparet, cum et pacis constituendae rationem et belli gerendi potestatem solus habeat, cum omnes in unum spectent, unus omnia gubernet, cum tot tantisque negotiis distentus sit, ut respirare libere non possit, si aliquid non animadvertat, cum praesertim tam multi occupationem eius observent tempusque aucupentur, ut, simulatque ille despexerit, aliquid huiusce modi moliantur. Huc accedit quod, quamvis ille felix sit, sicut est, tamen tanta felicitate nemo potest esse, in magna familia qui neminem neque

servum neque libertum improbum habeat. Interea 23
iste T. Roscius, vir optimus, procurator Chrysogoni,
Ameriam venit; in praedia huius invadit, hunc
miserum, luctu perditum, qui nondum etiam omnia
paterno funeri iusta solvisset, nudum eicit domo
atque focis patriis disque penatibus praecipitem,
iudices, exturbat, ipse amplissimae pecuniae fit
dominus. Qui in sua re fuisset egentissimus, erat,
ut fit, insolens in aliena. Multa palam domum suam
auferebat, plura clam de medio removebat, non
pauca suis adiutoribus large effuseque donabat,
reliqua constituta auctione vendebat.

IX. Quod Amerinis usque eo visum est indignum, 24
ut urbe tota fletus gemitusque fieret. Etenim multa
simul ante oculos versabantur: mors hominis flo-
rentissimi Sex. Roscii crudelissima, filii autem eius
egestas indignissima, cui de tanto patrimonio praedo
iste nefarius ne iter quidem ad sepulcrum patrium re-
liquisset, bonorum emptio flagitiosa, possessio, furta,
rapinae, donationes. Nemo erat, qui non ardere illa
omnia mallet quam videre in Sex. Roscii, viri optimi
atque honestissimi, bonis iactantem se ac domin-
antem T. Roscium. Itaque decurionum decretum 25
statim fit, ut decem primi proficiscantur ad L. Sullam
doceantque eum, qui vir Sex. Roscius fuerit, con-
querantur de istorum scelere et iniuriis, orent, ut
et illius mortui famam et filii innocentis fortunas
conservatas velit. Atque ipsum decretum, quaeso,
cognoscite. DECRETUM DECURIONUM. Legati in castra
veniunt. Intellegitur, iudices, id quod iam ante dixi,
imprudente L. Sulla scelera haec et flagitia fieri.
Nam statim Chrysogonus et ipse ad eos accedit et

homines nobiles adlegat, ab iis qui peterent ne ad Sullam adirent, et omnia Chrysogonum, quae vellent,
26 esse facturum pollicerentur. Usque adeo autem ille pertimuerat, ut mori mallet quam de his rebus Sullam doceri. Homines antiqui, qui ex sua natura ceteros fingerent, cum ille confirmaret sese nomen Sex. Roscii de tabulis exempturum, praedia vacua filio traditurum, cumque id ita futurum T. Roscius Capito, qui in decem legatis erat, adpromitteret, crediderunt: Ameriam re inorata reverterunt. Ac primo rem differre cotidie ac procrastinare isti coeperunt, deinde aliquanto lentius [nihil] agere atque deludere, postremo, id quod facile intellectum est, insidias vitae huiusce [Sex. Roscii] parare, neque sese arbitrari posse diutius alienam pecuniam domino incolumi obtinere.

27 X. Quod hic simulatque sensit, de amicorum cognatorumque sententia Romam confugit et sese ad Caeciliam [Nepotis filiam], quam honoris causa nomino, contulit, qua pater usus erat plurimum: in qua muliere, iudices, etiam nunc, id quod omnes semper existimaverunt, quasi exempli causa vestigia antiqui officii remanent. Ea Sex. Roscium inopem, eiectum domo atque expulsum ex suis bonis, fugientem latronum tela et minas, recipit domum hospitique oppresso iam desperatoque ab omnibus opitulata est. Eius virtute, fide, diligentia factum est, ut hic potius vivus in reos quam occisus in
28 proscriptos referretur. Nam postquam isti intellexerunt summa diligentia vitam Sex. Roscii custodiri neque sibi ullam caedis faciundae potestatem dari, consilium ceperunt plenum sceleris et audaciae, ut

nomen huius de parricidio deferrent, ut ad eam rem aliquem accusatorem veterem compararent, qui de ea re posset dicere aliquid, in qua re nulla subesset suspicio; denique ut, quoniam crimine non poterant, tempore ipso pugnarent. Ita loqui homines: quod iudicia tam diu facta non essent, condemnari eum oportere, qui primus in iudicium adductus esset; huic autem patronos propter Chrysogoni gratiam defuturos; de bonorum venditione et de ista societate verbum esse facturum neminem; ipso nomine parricidii et atrocitate criminis fore ut hic nullo negotio tolleretur, cum ab nullo defensus esset. Hoc con- 29
silio atque adeo hac amentia impulsi, quem ipsi, cum cuperent, non potuerunt occidere, eum iugulandum vobis tradiderunt. 30

XI. Quid primum querar? aut unde potissimum, iudices, ordiar? aut quod aut a quibus auxilium petam? Deorumne immortalium, populine Romani, vestramne, qui summam potestatem habetis hoc tempore, fidem implorem? Pater occisus nefarie, 30
domus obsessa ab inimicis, bona adempta, possessa, direpta, filii vita infesta, saepe ferro atque insidiis adpetita. Quid ab his tot maleficiis sceleris abesse videtur? Tamen haec aliis nefariis cumulant atque adaugent: crimen incredibile confingunt, testes in hunc et accusatores huiusce pecunia comparant, hanc condicionem misero ferunt ut optet, utrum malit cervices T. Roscio dare an insutus in culleum per summum dedecus vitam amittere. Patronos huic defuturos putaverunt; desunt: qui libere dicat, qui cum fide defendat, id quod in hac causa satis est, non deest profecto, iudices. Et forsitan in suscipienda 31

causa temere impulsus adulescentia fecerim: quoniam quidem semel suscepi, licet hercules undique omnes immineant terrores periculaque impendeant omnia, succurram atque subibo. Certum est deliberatumque, quae ad causam pertinere arbitror, omnia non modo dicere, verum etiam libenter, audacter libereque dicere. Nulla res tanta exsistet, iudices, ut possit vim mihi maiorem adhibere metus quam fides.

32 Etenim quis tam dissoluto animo est, qui haec cum videat, tacere ac neglegere possit? Patrem meum, cum proscriptus non esset, iugulastis, occisum in proscriptorum numerum rettulistis, me domo mea per vim expulistis, patrimonium meum possidetis. Quid vultis amplius? etiamne ad subsellia cum ferro atque telis venistis, ut hic aut iuguletis aut condemnetis?

33 XII. Hominem longe audacissimum nuper habuimus in civitate C. Fimbriam et, quod inter omnes constat, nisi inter eos, qui ipsi quoque insaniunt, insanissimum. Is cum curasset in funere C. Marii, ut Q. Scaevola vulneraretur, vir sanctissimus atque ornatissimus nostrae civitatis, de cuius laude neque hic locus est ut multa dicantur, neque plura tamen dici possunt, quam populus Romanus memoria retinet, diem Scaevolae dixit, posteaquam comperit eum posse vivere. Cum ab eo quaereretur, quid tandem accusaturus esset eum, quem pro dignitate ne laudare quidem quisquam satis commode posset, aiunt hominem, ut erat furiosus, respondisse, quod non totum telum corpore recepisset. Quo populus Romanus nihil vidit indignius nisi eiusdem viri mortem, quae tantum potuit, ut omnes cives perdi-

derit et adflixerit: quos quia servare per composi-
tionem volebat, ipse ab iis interemptus est. Estne 34
hoc illi dicto atque facto Fimbriano simillimum?
Accusatis Sex. Roscium. Quid ita? quia de manibus
vestris effugit, quia se occidi passus non est. Illud,
quia in Scaevola factum est, magis indignum videtur:
hoc, quia fit a Chrysogono, num est ferendum? Nam,
per deos immortales, quid est in hac causa, quod
defensionis indigeat? qui locus ingenium patroni
requirit aut oratoris eloquentiam magno opere
desiderat? Totam causam, iudices, explicemus atque
ante oculos expositam consideremus: ita facillime,
quae res totum iudicium contineat et quibus de rebus
nos dicere oporteat et quid vos sequi conveniat,
intellegetis.

XIII. Tres sunt res, quantum ego existimare 35
possum, quae obstent hoc tempore Sex. Roscio: cri-
men adversariorum et audacia et potentia. Criminis
confictionem Erucius suscepit, audaciae partes
Roscii sibi depoposcerunt, Chrysogonus autem, is
qui plurimum potest, potentia pugnat. De hisce
omnibus rebus me dicere oportere intellego. Quid 36
igitur est? Non eodem modo de omnibus, ideo quod
prima illa res ad meum officium pertinet, duas autem
reliquas vobis populus Romanus imposuit: ego cri-
men oportet diluam, vos et audaciae resistere et
hominum eius modi perniciosam atque intolerandam
potentiam primo quoque tempore exstinguere atque
opprimere debetis.

Occidisse patrem Sex. Roscius arguitur. Scelestum, 37
di immortales, ac nefarium facinus atque eius modi,
quod uno maleficio scelera omnia complexum esse

videatur. Etenim si, id quod praeclare a sapientibus dicitur, vultu saepe laeditur pietas, quod supplicium satis acre reperietur in eum, qui mortem obtulerit parenti, pro quo mori ipsum, si res postularet, iura
38 divina atque humana cogebant? In hoc tanto, tam atroci, tam singulari maleficio, quod ita raro exstitit, ut, si quando auditum est, portenti ac prodigii simile numeretur, quibus tandem, Eruci, argumentis accusatorem censes uti oportere? nonne et audaciam eius, qui in crimen vocetur, singularem ostendere et mores feros immanemque naturam et vitam vitiis flagitiisque omnibus deditam, denique omnia ad perniciem profligata atque perdita? quorum tu nihil in Sex. Roscium ne obiciendi quidem causa contulisti.
39 XIV. Patrem occidit Sex. Roscius. 'Qui homo? adulescentulus corruptus et ab hominibus nequam inductus?' Annos natus maior quadraginta. 'Vetus videlicet sicarius, homo audax et saepe in caede versatus?' At hoc ab accusatore ne dici quidem audistis. 'Luxuries igitur hominem nimirum et aeris alieni magnitudo et indomitae animi cupiditates ad hoc scelus impulerunt?' De luxurie purgavit Erucius, cum dixit hunc ne in convivio quidem ullo fere interfuisse; nihil autem umquam debuit. Cupiditates porro quae possunt esse in eo, qui, ut ipse accusator obiecit, ruri semper habitarit et in agro colendo vixerit? quae vita maxime diiuncta a cupiditate et cum officio coniuncta est.
40 Quae res igitur tantum istum furorem Sex. Roscio obiecit? 'Patri' inquit 'non placebat.' Quam ob causam? necesse est enim eam quoque iustam et magnam et perspicuam fuisse. Nam ut illud in-

credibile est, mortem oblatam esse patri a filio sine plurimis et maximis causis, sic hoc veri simile non est, odio fuisse parenti filium sine causis multis et magnis et necessariis. Rursus igitur eodem rever- 41
tamur et quaeramus, quae tanta vitia fuerint in unico filio, quare is patri displiceret. At perspicuum est, nullum fuisse. Pater igitur amens, qui odisset eum sine causa, quem procrearat? At is quidem fuit omnium constantissimus. Ergo illud iam perspicuum profecto est, si neque amens pater neque perditus filius fuerit, neque odii causam patri neque sceleris filio fuisse.

XV. 'Nescio' inquit, 'quae causa odii fuerit: 42
fuisse odium intellego, quia antea, cum duos filios haberet, illum alterum, qui mortuus est, secum omni tempore volebat esse, hunc in praedia rustica relegarat.' Quod Erucio accidebat in mala nugatoriaque accusatione, idem mihi usu venit in causa optima. Ille, quo modo crimen commenticium confirmaret, non inveniebat: ego, res tam leves qua ratione infirmem ac diluam, reperire non possum. Quid ais, Eruci? tot praedia, tam pulchra, tam fruc- 43
tuosa Sex. Roscius filio suo relegationis ac supplicii gratia colenda ac tuenda tradiderat? Quid? hoc patres familias, qui liberos habent, praesertim homines illius ordinis ex municipiis rusticanis, nonne optatissimum sibi putant esse, filios suos rei familiari maxime servire et in praediis colendis operae plurimum studiique consumere? An aman- 44
darat hunc sic, ut esset in agro ac tantummodo aleretur ad villam? ut commodis omnibus careret? Quid? si constat hunc non modo colendis praediis

et, quod ea studiose coluit, id erit ei maxime fraudi, ut parum miseriae sit, quod aliis coluit, non sibi, nisi etiam, quod omnino coluit, crimini fuerit.

50 XVIII. Ne tu, Eruci, accusator esses ridiculus, si illis temporibus natus esses, cum ab aratro arcessebantur, qui consules fierent. Etenim qui praeesse agro colendo flagitium putes, profecto illum Atilium, quem sua manu spargentem semen qui missi erant convenerunt, hominem turpissimum atque inhonestissimum iudicares. At hercule maiores nostri longe aliter et de illo et de ceteris talibus viris existimabant, itaque ex minima tenuissimaque re publica maximam et florentissimam nobis reliquerunt. Suos enim agros studiose colebant, non alienos cupide adpetebant, quibus rebus et agris et urbibus et nationibus rem publicam atque hoc imperium et
51 populi Romani nomen auxerunt. Neque ego haec eo profero, quo conferenda sint cum hisce, de quibus nunc quaerimus, sed ut illud intellegatur, cum apud maiores nostros summi viri clarissimique homines, qui omni tempore ad gubernacula rei publicae sedere debebant, tamen in agris quoque colendis aliquantum operae temporisque consumpserint, ignosci oportere ei homini, qui se fateatur esse rusticum, cum ruri assiduus semper vixerit, cum praesertim nihil esset, quod aut patri gratius aut sibi iucundius aut re vera honestius facere posset.

52 Odium igitur acerrimum patris in filium ex hoc, opinor, ostenditur, Eruci, quod hunc ruri esse patiebatur. Num quid est aliud? 'Immo vero' inquit 'est: nam istum exheredare in animo habebat.' Audio; nunc dicis aliquid quod ad rem

rtineat: nam illa, opinor, tu quoque concedis
via esse atque inepta: 'convivia cum patre non
ibat'; quippe, qui ne in oppidum quidem nisi
rraro veniret; — 'domum suam istum non fere
isquam vocabat': nec mirum, qui neque in urbe
veret neque revocaturus esset. XIX. Verum haec
quoque intellegis esse nugatoria: illud, quod
epimus, videamus, quo certius argumentum odii
periri nullo modo potest. 'Exheredare pater 53
ium cogitabat.' Mitto quaerere, qua de causa:
iaero, qui scias, tametsi te dicere atque enumerare
usas omnes oportebat, et id erat certi accusatoris
ficium, qui tanti sceleris argueret, explicare omnia
tia ac peccata filii, quibus incensus parens potuerit
imum inducere, ut naturam ipsam vinceret, ut
norem illum penitus insitum eiceret ex animo, ut
nique patrem esse sese oblivisceretur, quae sine
agnis huiusce peccatis accidere potuisse non
bitror. Verum concedo tibi ut ea praetereas, 54
uae, cum taces, nulla esse concedis: illud quidem,
oluisse exheredare, certe tu planum facere debes.
uid ergo adfers, qua re id factum putemus? Vere
ihil potes dicere. Finge aliquid saltem commode,
t ne plane videaris id facere, quod aperte facis,
uius miseri fortunis et horum, virorum talium,
ignitati inludere. Exheredare filium voluit. Quam
b causam? 'Nescio.' Exheredavitne? 'Non.' Quis
rohibuit? 'Cogitabat.' Cui dixit? 'Nemini.' Quid
st aliud iudicio ac legibus ac maiestate vestra abuti
d quaestum atque ad libidinem, nisi hoc modo
ccusare atque id obicere, quod planum facere non
odo non possis, verum ne coneris quidem? Nemo 55

nostrum est, Eruci, quin sciat tibi inimicitias cum Sex. Roscio nullas esse; vident omnes, qua de causa huic inimicus venias: sciunt huiusce pecunia te adductum esse. Quid ergo est? ita tamen quaestus te cupidum esse oportebat, ut horum existimationem et legem Remmiam putares aliquid valere oportere.

XX. Accusatores multos esse in civitate utile est, ut metu contineatur audacia; verumtamen hoc ita est utile, ut ne plane inludamur ab accusatoribus. Innocens est quispiam, verumtamen, quamquam abest a culpa, suspicione tamen non caret: tametsi miserum est, tamen ei, qui hunc accuset, possum aliquo modo ignoscere. Cum enim aliquid habeat, quod possit criminose ac suspiciose dicere, aperte
56 ludificari et calumniari sciens non videatur. Quare facile omnes patimur esse quam plurimos accusatores, quod innocens, si accusatus est, absolvi potest, nocens, nisi accusatus fuerit, condemnari non potest: utilius est autem absolvi innocentem quam nocentem causam non dicere. Anseribus cibaria publice locantur et canes aluntur in Capitolio, ut significent, si fures venerint. At fures internoscere non possunt: significant tamen, si qui noctu in Capitolium venerunt, et quia id est suspiciosum, tametsi bestiae sunt, tamen in eam partem potius peccant, quae est cautior. Quodsi luce quoque canes latrent, cum deos salutatum aliqui venerint, opinor, iis crura suffringantur, quod acres sint etiam tum, cum suspicio nulla
57 sit. Simillima est accusatorum ratio. Alii vestrum anseres sunt, qui tantummodo clamant, nocere non possunt, alii canes, qui et latrare et mordere possunt. *Cibaria* vobis praeberi videmus, vos autem maxime

debetis in eos impetum facere, qui merentur: hoc populo gratissimum est. Deinde, si voletis, etiam tum, cum veri simile erit aliquem commisisse, [in suspicione] latratote: id quoque concedi potest. Sin autem sic agetis, ut arguatis aliquem patrem occidisse neque dicere possitis aut quare aut quo modo, ac tantummodo [sine suspicione] latrabitis, crura quidem vobis nemo suffring[illegible]sed, si ego hos bene novi, litteram illam, cui vos [illegible]e eo inimici estis, ut etiam kalendas omnes oderit[illegible], ita vehementer ad caput adfigent, ut postea neminem alium nisi fortunas vestras accusare possitis. / XXI. Quid mihi 58
ad defendendum dedisti, bone accusator? quid hisce autem ad suspicandum? 'Ne exheredaretur veritus est.' Audio, sed qua de causa vereri debuerit, nemo dicit. 'Habebat pater in animo.' Planum fac, Nihil est, non quicum deliberarit, quem certiorem fecerit, unde istud vobis suspicari in mentem venerit. Cum hoc modo accusas, Eruci, nonne hoc palam dicis: 'ego quid acceperim scio, quid dicam nescio: unum illud spectavi, quod Chrysogonus aiebat, neminem isti patronum futurum, de bonorum emptione deque ea societate neminem esse qui verbum facere auderet hoc tempore.' Haec te opinio falsa in istam fraudem impulit: non me hercules verbum fecisses, si tibi quemquam responsurum putasses.

Operae pretium erat, si animadvertistis, iudices, 59
neglegentiam eius in accusando considerare. Credo, cum vidisset, qui homines in hisce subselliis sederent, quaesisse, num ille aut ille defensurus esset: de me ne suspicatum quidem esse, quod antea causam publicam nullam dixerim. Posteaquam invenit

neminem eorum, qui possunt et solent, ita neglegens esse coepit, ut, cum in mentem veniret ei, resideret, deinde spatiaretur, nonnumquam etiam puerum vocaret, credo, cui cenam imperaret, prorsus ut vestro consessu et hoc conventu pro
60 summa solitudine abuteretur. XXII. Peroravit aliquando, adsedit: surrexi ego. Respirare visus est, quod non alius potius diceret. Coepi dicere. Usque eo animadverti, iudices, eum iocari atque alias res agere, ante quam Chrysogonum nominavi: quem simul atque attigi, statim homo se erexit, mirari visus est. Intellexi, quid eum pupugisset. Iterum ac tertio nominavi. Postea homines cursare ultro et citro non destiterunt, credo, qui Chrysogono nuntiarent esse aliquem in civitate, qui contra voluntatem eius dicere auderet: aliter causam agi atque ille existimaret; aperiri bonorum emptionem, vexari pessime societatem, gratiam potentiamque eius neglegi, iudices diligenter attendere, populo
61 rem indignam videri. Quae quoniam te fefellerunt, Eruci, quoniamque vides versa esse omnia, causam pro Sex. Roscio, si non commode, at libere dici—quem dedi putabas, defendi intellegis; quos tradituros sperabas, vides iudicare:—restitue nobis aliquando veterem tuam illam calliditatem atque prudentiam; confitere huc ea spe venisse, quod putares hic latrocinium, non iudicium futurum.

62 De parricidio causa dicitur: ratio ab accusatore reddita non est, quam ob causam patrem filius occiderit. Quod in minimis noxiis et in his levioribus peccatis, quae magis crebra et iam prope cotidiana sunt, vel maxime et primum quaeritur, quae causa

maleficii fuerit, id Erucius in parricidio quaeri non putat oportere. In quo scelere, iudices, etiam cum multae causae convenisse unum in locum atque inter se congruere videntur, tamen non temere creditur neque levi coniectura res penditur neque testis incertus auditur neque accusatoris ingenio res iudicatur. Cum multa antea commissa maleficia, cum vita hominis perditissima, tum singularis audacia ostendatur necesse est, neque audacia solum, sed summus furor atque amentia. Haec cum sint omnia, tamen exstent oportet expressa sceleris vestigia, ubi, qua ratione, per quos, quo tempore maleficium sit admissum. Quae nisi multa et manifesta sunt, profecto res tam scelesta, tam atrox, tam nefaria credi non potest. Magna est enim vis humanitatis, multum valet com- 63
munio sanguinis, reclamitat istius modi suspicionibus ipsa natura; portentum atque monstrum certissimum est esse aliquem humana specie et figura, qui tantum immanitate bestias vicerit, ut, propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privarit, cum etiam feras inter sese partus atque educatio et natura ipsa conciliet.

XXIII. Non ita multis ante annis aiunt T. Cae- 64
lium quendam, Tarracinensem, hominem non obscurum, cum cenatus cubitum in idem conclave cum duobus adulescentibus filiis isset, inventum esse mane iugulatum. Cum neque servus quisquam reperiretur neque liber, ad quem ea suspicio pertineret, id aetatis autem duo filii propter cubantes ne sensisse quidem se dicerent, nomina filiorum de parricidio delata sunt. Quid poterat tam esse suspiciosum? suspiciosum autem? Neutrumne sensisse? ausum autem esse

quemquam se in id conclave committere eo potissimum tempore, cum ibidem essent duo adulescentes filii, qui et sentire et defendere facile possent? Erat
65 porro nemo, in quem ea suspicio conveniret. Tamen, cum planum iudicibus esset factum, aperto ostio dormientes eos repertos esse, iudicio absoluti adulescentes et suspicione omni liberati sunt. Nemo enim putabat quemquam esse, qui cum omnia divina atque humana iura scelere nefario polluisset, somnum statim capere posset, propterea quod, qui tantum facinus commiserunt, non modo sine cura quiescere, sed ne spirare quidem sine metu possunt.

66 XXIV. Videtisne, quos nobis poetae tradiderunt patris ulciscendi causa supplicium de matre sumpsisse, cum praesertim deorum immortalium iussis atque oraculis id fecisse dicantur, tamen ut eos agitent Furiae neque consistere umquam patiantur, quod ne pii quidem sine scelere esse potuerunt? Sic se res habet, iudices: magnam vim, magnam necessitatem, magnam possidet religionem paternus maternusque sanguis, ex quo si qua macula concepta est, non modo elui non potest, verum usque eo permanat ad animum, ut summus furor atque amentia conse-
67 quatur. Nolite enim putare, quem ad modum in fabulis saepenumero videtis, eos, qui aliquid impie scelerateque commiserunt, agitari et perterreri Furiarum taedis ardentibus: sua quemque fraus et suus terror maxime vexat, suum quemque scelus agitat amentiaque adficit, suae malae cogitationes conscientiaeque animi terrent: hae sunt impiis assiduae domesticaeque Furiae, quae dies noctesque parentium
68 poenas a consceleratissimis filiis repetunt. Haec

magnitudo maleficii facit, ut, nisi paene manifestum parricidium proferatur, credibile non sit, nisi turpis adulescentia, nisi omnibus flagitiis vita inquinata, nisi sumptus effusi cum probro atque dedecore, nisi praerupta audacia, nisi tanta temeritas, ut non procul abhorreat ab insania. Accedat huc oportet odium parentis, animadversionis paternae metus, amici improbi, servi conscii, tempus idoneum, locus opportune captus ad eam rem: paene dicam, respersas manus sanguine paterno iudices videant oportet, si tantum facinus, tam immane, tam acerbum crediturі sunt. Quare hoc quo minus est credibile, nisi osten- 69
ditur, eo magis est, si convincitur, vindicandum.
XXV. Itaque cum multis ex rebus intellegi potest, maiores nostros non modo armis plus quam ceteras nationes, verum etiam consilio sapientiaque potuisse, tum ex hac re vel maxime, quod in impios singulare supplicium invenerunt. Qua in re quantum prudentia praestiterint iis, qui apud ceteros sapientissimi fuisse dicuntur, considerate. Prudentissima 70
civitas Atheniensium, dum ea rerum potita est, fuisse traditur; eius porro civitatis sapientissimum Solonem dicunt fuisse, eum qui leges, quibus hodie quoque utuntur, scripsit. Is cum interrogaretur, cur nullum supplicium constituisset in eum, qui parentem necasset, respondit se id neminem facturum putasse. Sapienter fecisse dicitur, cum de eo nihil sanxerit, quod antea commissum non erat, ne non tam prohibere quam admonere videretur. Quanto nostri maiores sapientius! qui cum intellegerent nihil esse tam sanctum, quod non aliquando violaret audacia, supplicium in parricidas singulare excogitaverunt,

ut quos natura ipsa retinere in officio non posset, ii magnitudine poenae a maleficio summoverentur: insui voluerunt in culleum vivos atque ita in flumen
71 deici. XXVI. O singularem sapientiam, iudices! Nonne videntur hunc hominem ex rerum natura sustulisse et eripuisse, cui repente caelum, solem, aquam terramque ademerint, ut qui eum necasset, unde ipse natus esset, careret iis rebus omnibus, ex quibus omnia nata esse dicuntur? Noluerunt feris corpus obicere, ne bestiis quoque, quae tantum scelus attigissent, immanioribus uteremur; non sic nudos in flumen deicere, ne, cum delati essent in mare, ipsum polluerent, quo cetera, quae violata sunt, expiari putantur; denique nihil tam vile neque tam
72 vulgare est, cuius partem ullam reliquerint. Etenim quid tam est commune quam spiritus vivis, terra mortuis, mare fluctuantibus, litus eiectis? Ita vivunt, dum possunt, ut ducere animam de caelo non queant; ita moriuntur, ut eorum ossa terra non tangat; ita iactantur fluctibus, ut numquam adluantur; ita postremo eiciuntur, ut ne ad saxa quidem mortui conquiescant. Tanti maleficii crimen, cui maleficio tam insigne supplicium est constitutum, probare te, Eruci, censes posse talibus viris, si ne causam quidem maleficii protuleris? Si hunc apud bonorum emptores ipsos accusares eique iudicio Chrysogonus praeesset, tamen diligentius paratiusque
73 venisses. Utrum quid agatur non vides, an apud quos agatur? Agitur de parricidio, quod sine multis causis suscipi non potest; apud homines autem prudentissimos agitur, qui intellegunt neminem ne minimum quidem maleficium sine causa admittere.

XXVII. Esto: causam proferre non potes. Tametsi statim vicisse debeo, tamen de meo iure decedam et tibi, quod in alia causa non concederem, in hac concedam, fretus huius innocentia. Non quaero abs te, quare patrem Sex. Roscius occiderit: quaero, quo modo occiderit. Ita quaero abs te, C. Eruci, quo modo, et sic tecum agam, ut meo loco vel respondendi vel interpellandi tibi potestatem faciam vel etiam, si quid voles, interrogandi. Quo modo occidit? ipsene percussit an 74
aliis occidendum dedit? Si ipsum arguis, Romae non fuit: si per alios fecisse dicis, quaero, servosne an liberos? *Si per liberos*, quos homines? indidemne Ameria an hosce ex urbe sicarios? Si Ameria, qui sunt ii? cur non nominantur? si Roma, unde eos noverat Roscius, qui Romam multis annis non venit neque umquam plus triduo fuit? ubi eos convenit? qui conlocutus est? quo modo persuasit? Pretium dedit? cui dedit? per quem dedit? unde aut quantum dedit? Nonne his vestigiis ad caput maleficii perveniri solet? Et simul tibi in mentem veniat facito, quem ad modum vitam huiusce depinxeris: hunc hominem ferum atque agrestem fuisse, numquam cum homine quoquam conlocutum esse, numquam in oppido constitisse. Qua in re praetereo illud, quod mihi 75
maximo argumento ad huius innocentiam poterat esse, in rusticis moribus, in victu arido, in hac horrida incultaque vita istius modi maleficia gigni non solere. Ut non omnem frugem neque arborem in omni agro reperire possis, sic non omne facinus in omni vita nascitur. In urbe luxuries creatur,

ex luxuria exsistat avaritia necesse est, ex avaritia erumpat audacia; inde omnia scelera ac maleficia gignuntur: vita autem haec rustica, quam tu agrestem vocas, parsimoniae, diligentiae, iustitiae
76 magistra est. XXVIII. Verum haec missa facio: illud quaero, is homo, qui, ut tute dicis, numquam inter homines fuerit, per quos homines hoc tantum facinus, tam occultum, absens praesertim, conficere potuerit. Multa sunt falsa, iudices, quae tamen argui suspiciose possunt: in his rebus si suspicio reperta erit, culpam inesse concedam. Romae Sex. Roscius occiditur, cum in agro Amerino esset filius. Litteras, credo, misit alicui sicario, qui Romae noverat neminem. 'Arcessivit aliquem.' Quem aut quando? 'Nuntium misit.' Quem aut ad quem? 'Pretio, gratia, spe, promissis induxit aliquem.' Nihil horum ne confingi quidem potest, et tamen causa de parricidio dicitur.

77 Reliquum est ut per servos id admiserit. O, di immortales, rem miseram et calamitosam, quod in tali crimine, quod innocentibus saluti solet esse, ut servos in quaestionem polliceantur, id Sex. Roscio facere non licet. Vos, qui hunc accusatis, omnes eius servos habetis: unus puer, victus cotidiani minister, ex tanta familia Sex. Roscio relictus non est. Te nunc appello, P. Scipio, te, M. Metelle: vobis advocatis, vobis agentibus, aliquotiens duos servos paternos in quaestionem ab adversariis Sex. Roscius postulavit. Meministisne T. Roscium recusare? Quid? ii servi ubi sunt? Chrysogonum, *iudices, sectantur*; apud eum sunt in honore et in *pretio. Etiam* nunc, ut ex iis quaeratur, ego pos-

tulo, hic orat atque obsecrat. Quid faciti[illegible] cur 78
recusatis? Dubitate etiam nunc, iudices, si potestis, a quo sit Sex. Roscius occisus: ab eone, qui propter illius mortem in egestate et in insidiis versatur, cui ne quaerendi quidem de morte patris potestas permittitur, an ab iis, qui quaestionem fugitant, bona possident, in caede atque ex caede vivunt. Omnia, iudices, in hac causa sunt misera atque indigna; tamen hoc nihil neque acerbius neque iniquius proferri potest: mortis paternae de servis paternis quaestionem habere filio non licet. Ne tam diu quidem dominus erit in suos, dum ex iis de patris morte quaeratur? Veniam, neque ita multa post, ad hunc locum; nam hoc totum ad Roscios pertinet, de quorum audacia tum me dicturum pollicitus sum, cum Erucii crimina diluissem. Nunc, Eruci, ad te venio. XXIX. Conveniat mihi 79
tecum necesse est, si ad hunc maleficium istud pertinet, aut ipsum sua manu fecisse, id quod negas, aut per aliquos liberos aut servos. Liberosne? quos neque ut convenire potuerit neque qua ratione inducere neque ubi neque per quos neque qua spe aut quo pretio, potes ostendere. Ego contra ostendo non modo nihil eorum fecisse Sex. Roscium, sed ne potuisse quidem facere, quod neque Romae multis annis fuerit neque de praediis umquam temere discesserit. Restare tibi videbatur servorum nomen, quo quasi in portum, reiectus a ceteris suspicionibus, confugere posses: ubi scopulum offendis eius modi, ut non modo ab hoc crimen resilire videas, verum omnem suspicionem in vosmet ipsos recidere intellegas. *Quid* ergo est? quo tandem accusator 80

inopia argumentorum confugit? 'Eius modi tempus erat,' inquit, 'ut homines vulgo impune occiderentur; quare hoc tu propter multitudinem sicariorum nullo negotio facere potuisti.' Interdum mihi videris, Eruci, una mercede duas res adsequi velle, nos iudicio pervertere, accusare autem eos ipsos, a quibus mercedem accepisti. Quid ais? vulgo occidebantur? Per quos et a quibus? Nonne cogitas te a sectoribus huc adductum esse? Quid postea? Nescisne per ista tempora eosdem fere sectores fuisse collorum et
81 bonorum? Ii denique, qui tum armati dies noctesque concursabant, qui Romae erant assidui, qui omni tempore in praeda et in sanguine versabantur, Sex. Roscio temporis illius acerbitatem iniquitatemque obicient, et illam sicariorum multitudinem, in qua ipsi duces ac principes erant, huic crimini putabunt fore, qui non modo Romae non fuit, sed omnino quid Romae ageretur nescivit, propterea quod ruri assiduus, quem ad modum tute confiteris,
82 fuit? Vereor ne aut molestus sim vobis, iudices, aut ne ingeniis vestris videar diffidere, si de tam perspicuis rebus diutius disseram. Erucii criminatio tota, ut arbitror, dissoluta est, nisi forte exspectatis ut illa diluam, quae de peculatu ac de eius modi rebus commenticiis inaudita nobis ante hoc tempus ac nova obiecit: quae mihi iste visus est ex aliqua oratione declamare, quam in alium reum commentaretur: ita neque ad crimen parricidii neque ad eum, qui causam dicit, pertinebant. De quibus quoniam verbo arguit, verbo satis est negare. Si quid est, quod ad testes reservet, ibi

quoque nos, ut in ipsa causa, paratiores reperiet quam putabat.

XXX. Venio nunc eo, quo me non cupiditas 83
lucit, sed fides. Nam si mihi liberet accusare, accusarem alios potius, ex quibus possem crescere: quod certum est non facere, dum utrumvis licebit. Is enim mihi videtur amplissimus, qui sua virtute in altiorem locum pervenit, non qui ascendit per alterius incommodum et calamitatem. Desinamus aliquando ea scrutari, quae sunt inania; quaeramus maleficium ibi, ubi et est et inveniri potest: iam intelleges, Eruci, certum crimen quam multis suspicionibus coarguatur; tametsi neque omnia dicam et leviter unum quidque tangam: neque enim id facerem, nisi necesse esset, et id erit signi, me invitum facere, quod non prosequar longius, quam salus huius et mea fides postulabit. Causam 84
tu nullam reperiebas in Sex. Roscio: at ego in T. Roscio reperio. Tecum enim mihi res est, T. Rosci, quoniam istic sedes ac te palam adversarium esse profiteris. De Capitone post viderimus, si, quem ad modum paratum esse audio, testis prodierit: tum alias quoque suas palmas cognoscet, de quibus me ne audisse quidem suspicatur. L. Cassius ille, quem populus Romanus verissimum et sapientissimum iudicem putabat, identidem in causis quaerere solebat, cui bono fuisset. Sic vita hominum est, ut ad maleficium nemo conetur sine spe atque emolumento accedere. Hunc quaesitorem atque 85
iudicem fugiebant atque horrebant ii, quibus periculum creabatur, ideo quod, tametsi veritatis erat amicus, tamen natura non tam propensus ad

misericordiam quam implacatus ad severitatem videbatur. Ego, quamquam praeest huic quaestioni vir et contra audaciam fortissimus et ab innocentia clementissimus, tamen facile me paterer vel illo ipso acerrimo iudice quaerente vel apud Cassianos iudices, quorum etiam nunc ii, quibus causa dicenda est, nomen ipsum reformidant, pro
86 Sex. Roscio dicere. XXXI. In hac enim causa cum viderent illos amplissimam pecuniam possidere, hunc in summa mendicitate esse, illud quidem non quaererent, cui bono fuisset, sed eo perspicuo crimen et suspicionem potius ad praedam adiungerent quam ad egestatem. Quid, si accedit eodem, ut tenuis ante fueris? quid, si ut avarus? quid, si ut audax? quid, si ut illius, qui occisus est, inimicissimus: num quaerenda causa, quae te ad tantum
87 facinus adduxerit? Quid ergo horum negari potest? Tenuitas hominis eius modi est, ut dissimulari non queat, atque eo magis elucet, quo magis occultatur. Avaritiam praefers, qui societatem coieris de municipis, cognatique fortunis cum alienissimo. Quam sis audax, ut alia obliviscar, hinc omnes intellegere potuerunt, quod ex tota societate, hoc est ex tot sicariis, solus tu inventus es, qui cum accusatoribus sederes atque os tuum non modo ostenderes, sed etiam offerres. Inimicitias tibi fuisse cum Sex. Roscio et magnas rei familiaris controversias con-
88 cedas necesse est. Restat, iudices, ut hoc dubitemus, uter potius Sex. Roscium occiderit: is, ad quem morte eius divitiae venerint, an is, ad quem mendicitas; is, qui antea tenuis fuerit, an is, qui postea factus sit egentissimus; is, qui ardens

avaritia feratur infestus in suos, an is, qui semper ita vixerit, ut quaestum nosset nullum, fructum autem eum solum, quem labore peperisset; is, qui omnium sectorum audacissimus sit, an is, qui propter fori iudiciorumque insolentiam non modo subsellia, verum etiam urbem ipsam reformidarit: postremo, iudices, id quod ad rem mea sententia maxime pertinet, utrum inimicus potius an filius.

XXXII. Haec tu, Eruci, tot et tanta si nanctus 89
esses in reo, quam diu diceres! quo te modo iactares! tempus hercule te citius quam oratio deficeret. Etenim in singulis rebus eius modi materies est, ut dies singulos possis consumere. Neque ego non possum; non enim tantum mihi derogo, tametsi nihil adrogo, ut te copiosius quam me putem posse dicere. Verum ego forsitan propter multitudinem patronorum in grege adnumerer, te pugna Cannensis accusatorum sat bonum fecit. Multos caesos non 90
ad Trasumenum lacum, sed ad Servilium vidimus: quís ibi non est vúlneratus férro Phrygio? Non necesse est omnes commemorare, Curtios, Marios, denique † Mammeos, quos iam aetas a proeliis avocabat, postremo Priamum ipsum, senem Antistium, quem non modo aetas, sed etiam leges pugnare prohibebant. Iam quos nemo propter ignobilitatem nominat, sescenti sunt, qui inter sicarios et de veneficiis accusabant; qui omnes, quod ad me attinet, vellem viverent. Nihil enim mali est canes ibi quam plurimos esse, ubi permulti observandi multaque servanda sunt. Verum, ut fit, multa saepe 91
imprudentibus imperatoribus vis belli ac turba molitur. Dum is in aliis rebus erat occupatus, qui sum-

mam rerum administrabat, erant interea, qui suis vulneribus mederentur, qui, tamquam si offusa rei publicae sempiterna nox esset, ita ruebant in tenebris omniaque miscebant: a quibus miror, ne quod iudiciorum esset vestigium, non subsellia quoque esse combusta; nam et accusatores et iudices sustulerunt. Hoc commodi est, quod ita vixerunt, ut testes omnes, si cuperent, interficere non possent: nam dum hominum genus erit, qui accuset eos non deerit, dum civitas erit, iudicia fient. Verum, ut coepi dicere, et Erucius haec si haberet in causa, quae commemoravi, posset ea quamvis diu dicere, et ego, iudices, possum, sed in animo est, quem ad modum ante dixi, leviter transire ac tantummodo perstringere unamquamque rem, ut omnes intellegant me non studio accusare, sed officio defendere.

92 XXXIII. Video igitur causas esse permultas, quae istum impellerent: videamus nunc, ecquae facultas suscipiendi maleficii fuerit. Ubi occisus est Sex. Roscius? 'Romae.' Quid tu, T. Rosci? ubi tunc eras? 'Romae: verum quid ad rem? et alii multi.' Quasi nunc id agatur, quis ex tanta multitudine occiderit, ac non hoc quaeratur, eum, qui Romae sit occisus, utrum veri similius sit ab eo esse occisum, qui assiduus eo tempore Romae fuerit, an ab eo, qui
93 multis annis Romam omnino non accesserit. Age nunc ceteras quoque facultates consideremus. Erat tum multitudo sicariorum, id quod commemoravit Erucius, et homines impune occidebantur. Quid? ea multitudo quae erat? Opinor, aut eorum, qui in bonis erant occupati, aut eorum, qui ab iis conducebantur, ut aliquem occiderent. Si eos putas, qui *alienum adpetebant*, tu es in eo numero, qui nostra

pecunia dives es; sin eos, quos qui leviore nomine appellant percussores vocant, quaere, in cuius fide sint et clientela: mihi crede, aliquem de societate tua reperies; et quidquid tu contra dixeris, id cum defensione nostra contendito: ita facillime causa Sex. Roscii cum tua conferetur. Dices: 'quid postea, 94
si Romae assiduus fui?' Respondebo: at ego omnino non fui. 'Fateor me sectorem esse, verum et alii multi.' At ego, ut tute arguis, agricola et rusticus. 'Non continuo, si me in gregem sicariorum contuli, sum sicarius.' At ego profecto, qui ne novi quidem quemquam sicarium, longe absum ab eius modi crimine. Permulta sunt, quae dici possunt, quare intellegatur summam tibi facultatem fuisse maleficii suscipiendi, quae non modo idcirco praetereo, quod te ipsum non libenter accuso, verum eo magis etiam, quod, si de illis caedibus velim commemorare, quae tum factae sunt ista eadem ratione, qua Sex. Roscius occisus est, vereor ne ad plures oratio mea pertinere videatur.

XXXIV. Videamus nunc strictim, sicut cetera, 95
quae post mortem Sex. Roscii abs te, T. Rosci, facta sint: quae ita aperta et manifesta sunt, ut me dius Fidius, iudices, invitus ea dicam. Vereor enim, cuicuimodi es, T. Rosci, ne ita hunc videar voluisse servare, ut tibi omnino non perpercerim. Cum hoc vereor et cupio tibi aliqua ex parte, quod salva fide possim, parcere, rursus immuto voluntatem meam; venit enim mihi in mentem oris tui. Tene, cum ceteri socii tui fugerent ac se occultarent, ut hoc iudicium non de illorum praeda, sed de huius maleficio fieri videretur, potissimum tibi partes istas

depoposcisse, ut in iudicio versarere et sederes cum accusatore? qua tu re nihil aliud adsequeris, nisi ut ab omnibus mortalibus audacia tua cognoscatur et
96 impudentia. Occiso Sex. Roscio quis primus Ameriam nuntiat? Mallius Glaucia, quem iam antea nominavi, tuus cliens et familiaris. Quid attinuit eum potissimum nuntiare, quod, si nullum iam ante consilium de morte ac de bonis eius inieras nullamque societatem neque sceleris neque praemii cum homine ullo coieras, ad te minime omnium pertinebat? 'Sua sponte Mallius nuntiat.' Quid, quaeso, eius intererat? An, cum Ameriam non huiusce rei causa venisset, casu accidit ut id, quod Romae audierat, primus nuntiaret? Cuius rei causa venerat Ameriam? 'Non possum' inquit 'divinare.' Eo rem iam adducam, ut nihil divinatione opus sit. Qua ratione T. Roscio Capitoni primo nuntiavit? Cum Ameriae Sex. Roscii domus, uxor liberique essent, cum tot propinqui cognatique optime convenientes, qua ratione factum est ut iste tuus cliens, sceleris tui nuntius, T. Roscio Capitoni potissimum nuntiaret?
97 Occisus est a cena rediens: nondum lucebat, cum Ameriae scitum est. Quid hic incredibilis cursus, quid haec tanta celeritas festinatioque significat? Non quaero, quis percusserit: nihil est, Glaucia, quod metuas; non excutio te, si quid forte ferri habuisti, non scrutor; nihil ad me arbitror pertinere: quoniam, cuius consilio occisus sit, invenio, cuius manu sit percussus, non laboro. Unum hoc sumo, quod mihi apertum tuum scelus resque manifesta dat: ubi aut unde audivit Glaucia? qui tam cito scivit? Fac audisse statim: quae res eum nocte

una tantum itineris contendere coëgit? quae necessitas eum tanta premebat, ut, si sua sponte iter Ameriam faceret, id temporis Roma proficisceretur, nullam partem noctis requiesceret? XXXV. Etiam- 98
ne in tam perspicuis rebus argumentatio quaerenda aut coniectura capienda est? Nonne vobis haec, quae audistis, cernere oculis videmini, iudices? non illum miserum, ignarum casus sui, redeuntem a cena videtis? non positas insidias? non impetum repentinum? non versatur ante oculos vobis in caede Glaucia? non adest iste T. Roscius? non suis manibus in curru conlocat Automedontem illum, sui sceleris acerbissimi nefariaeque victoriae nuntium? non orat ut eam noctem pervigilet, ut honoris sui causa laboret, ut Capitoni quam primum nuntiet? Quid erat, quod 99
Capitonem primum scire voluerit? Nescio, nisi hoc video, Capitonem in his bonis esse socium; de tribus et decem fundis tres nobilissimos [fundos] eum video possidere. Audio praeterea non hanc suspicionem 100
nunc primum in Capitonem conferri: multas esse infames eius palmas, hanc primam esse tamen lemniscatam, quae Roma ei deferatur; nullum modum esse hominis occidendi, quo ille non aliquot occiderit, multos ferro, multos veneno; habeo etiam dicere, quem contra morem maiorum minorem annis sexaginta de ponte in Tiberim deiecerit: quae, si prodierit atque adeo cum prodierit — scio enim proditurum esse, — audiet. Veniat modo, explicet suum 101
volumen illud, quod ei planum facere possum Erucium conscripsisse, quod aiunt illum Sex. Roscio intentasse et minitatum esse, se omnia illa pro testimonio esse dicturum. O praeclarum testem, iudices!

o gravitatem dignam exspectatione! o vitam honestam atque eius modi, ut libentibus animis ad eius testimonium vestrum ius iurandum accommodetis! Profecto non tam perspicue nos istorum maleficia videremus, nisi ipsos caecos redderet cupiditas et avaritia et audacia.

102 XXXVI. Alter ex ipsa caede volucrem nuntium Ameriam ad socium atque magistrum suum misit, ut, si dissimulare omnes cuperent se scire, ad quem maleficium pertineret, tamen ipse apertum suum scelus ante omnium oculos poneret. Alter, si dis immortalibus placet, testimonium etiam in Sex. Roscium dicturus est, quasi vero id nunc agatur, utrum id quod dixerit credendum, ac non quod fecerit vindicandum sit. Ita more maiorum comparatum est, ut vel in minimis rebus homines amplissimi
103 testimonium de sua re non dicerent. Africanus, qui suo cognomine declarat tertiam partem orbis terrarum se subegisse, tamen, si sua res ageretur, testimonium non diceret; nam illud in talem virum non audeo dicere: si diceret, non crederetur. Videte nunc quam versa et mutata in peiorem partem sint omnia. Cum de bonis et de caede agatur, testimonium dicturus est is, qui et sector est et sicarius, hoc est, qui et illorum ipsorum bonorum, de quibus agitur, emptor atque possessor est et eum hominem
104 occidendum curavit, de cuius morte quaeritur. Quid tu, vir optime? ecquid habes quod dicas? mihi ausculta: vide ne tibi desis; tua quoque res permagna agitur. Multa scelerate, multa audaciter, multa improbe fecisti; unum stultissime, profecto *tua* sponte, non de Erucii sententia: nihil opus fuit

istic sedere; neque enim accusatore muto neque
ste quisquam utitur eo, qui de accusatoris subsellio
rgit. Huc accedit, quod paulo tamen occultior
que tectior vestra ista cupiditas esset. Nunc quid
t quod quisquam ex vobis audire desideret, cum
ae facitis eius modi sint, ut ea dedita opera a
bis contra vosmet ipsos facere videamini?

XXXVII. Age, nunc illa videamus, iudices, quae 105
atim consecuta sunt. Ad Volaterras in castra L.
llae mors Sex. Roscii quadriduo, quo is occisus
t, Chrysogono nuntiatur. Quaeritur etiam nunc,
is eum nuntium miserit. Nonne perspicuum est
ndem, qui Ameriam? Curat Chrysogonus, ut eius
na veneant statim, qui non norat hominem aut
m. At qui ei venit in mentem praedia concupis-
re hominis ignoti, quem omnino numquam viderat?
letis, cum aliquid huiusce modi auditis, iudices,
ntinuo dicere: necesse est aliquem dixisse muni-
pem aut vicinum; ii plerumque indicant, per eos
erique produntur.. Hic nihil est, quod suspicio- 106
m hoc esse putetis. Non enim ego ita disputabo:
ri simile est Roscios istam rem ad Chrysogonum
tulisse; erat enim eis cum Chrysogono iam antea
nicitia: nam cum multos veteres a maioribus
scii patronos hospitesque haberent, omnes eos
lere atque observare destiterunt ac se in Chryso-
ni fidem et clientelam contulerunt. Haec possum 107
ania vere dicere, sed in hac causa coniectura nihil
us est. Ipsos certo scio non negare ad haec bona
rysogonum accessisse impulsu suo. Si eum, qui
dicii partem acceperit, oculis cernetis, poteritisne
bitare, iudices, quis indicarit? Qui sunt igitur in

istis bonis, quibus partem Chrysogonus dederit? duo Roscii. Num quisquam praeterea? nemo est, iudices. Num ergo dubium est, quin ii obtulerint hanc praedam Chrysogono, qui ab eo partem praedae tulerunt?

108 Age nunc ex ipsius Chrysogoni iudicio Rosciorum factum consideremus. Si nihil in ista pugna Roscii, quod operae pretium esset, fecerant, quam ob causam a Chrysogono tantis praemiis donabantur? Si nihil aliud fecerunt nisi rem detulerunt, nonne satis fuit iis gratias agi? denique, ut perliberaliter ageretur, honoris aliquid haberi? Cur tria praedia tantae pecuniae statim Capitoni dantur? cur, quae reliqua sunt, iste T. Roscius omnia cum Chrysogono communiter possidet? Nonne perspicuum est, iudices, has manubias Rosciis Chrysogonum re cognita con-
109 cessisse? XXXVIII. Venit in decem primis legatus in castra Capito. Totam vitam, naturam moresque hominis ex ipsa legatione cognoscite. Nisi intellexeritis, iudices, nullum esse officium, nullum ius tam sanctum atque integrum, quod non eius scelus atque perfidia violarit et imminuerit, virum optimum
110 esse eum iudicatote. Impedimento est quo minus de his rebus Sulla doceatur, ceterorum legatorum consilia et voluntatem Chrysogono enuntiat, monet ut provideat, ne palam res agatur, ostendit, si sublata sit venditio bonorum, illum pecuniam grandem amissurum, sese capitis periculum aditurum: illum acuere, hos, qui simul erant missi, fallere; illum identidem monere ut caveret, hisce insidiose spem falsam ostendere; cum illo contra hos inire consilia, horum consilia illi enuntiare; cum

illo partem suam depacisci, hisce aliqua ficta mora semper omnes aditus ad Sullam intercludere. Postremo isto hortatore, auctore, intercessore ad Sullam legati non adierunt; istius fide ac potius perfidia decepti, id quod ex ipsis cognoscere poteritis, si accusator voluerit testimonium eis denuntiare, pro re certa spem falsam domum rettulerunt. In pri- 111
vatis rebus si qui rem mandatam non modo malitiosius gessisset sui quaestus aut commodi causa, verum etiam neglegentius, eum maiores summum admisisse dedecus existimabant. Itaque mandati constitutum est iudicium, non minus turpe quam furti, credo propterea quod, quibus in rebus ipsi interesse non possumus, in iis operae nostrae vicaria fides amicorum supponitur, quam qui laedit, oppugnat omnium commune praesidium et, quantum in ipso est, disturbat vitae societatem. Non enim possumus omnia per nos agere; alius in alia est re magis utilis. Idcirco amicitiae comparantur, ut commune commodum mutuis officiis gubernetur. Quid recipis mandatum, si aut neglecturus aut ad 112
tuum commodum conversurus es? cur mihi te offers ac meis commodis officio simulato officis et obstas? recede de medio: per alium transigam. Suscipis onus officii, quod te putas sustinere posse: quod minime videtur grave iis, qui minime ipsi leves sunt. XXXIX. Ergo idcirco turpis haec culpa est, quod duas res sanctissimas violat, amicitiam et fidem: nam neque mandat quisquam fere nisi amico, neque credit nisi ei, quem fidelem putat. Perditissimi est igitur hominis, simul et amicitiam dissolvere et fallere eum, qui laesus non esset, nisi credi-

113 disset. Itane est? In minimis rebus qui mandatum neglexerit, turpissimo iudicio condemnetur necesse est: in re tanta, cum is, cui fama mortui, fortunae vivi commendatae sunt atque concreditae, ignominia mortuum, *inopia vivum* adfecerit, is inter honestos homines atque adeo inter vivos numerabitur? In minimis privatisque rebus etiam neglegentia mandati in crimen iudiciumque vocatur, propterea quod, si recte fiat, illum neglegere oporteat qui mandarit, non illum qui mandatum receperit: in re tanta, quae publice gesta atque commissa sit, qui non neglegentia privatum aliquod commodum laeserit, sed perfidia legationis ipsius caerimoniam polluerit maculaque adfecerit, qua is tandem poena adficietur
114 aut quo iudicio damnabitur? Si hanc ei rem privatim Sex. Roscius mandavisset, ut cum Chrysogono transigeret atque decideret inque eam rem fidem suam, si quid opus esse putaret, interponeret, illeque sese facturum recepisset, nonne, si ex eo negotio tantulum in rem suam convertisset, damnatus per arbitrum et rem restitueret et honestatem omnem
115 amitteret? Nunc non hanc ei rem Sex. Roscius mandavit, sed, id quod multo gravius est, ipse Sex. Roscius cum fama, vita bonisque omnibus a decurionibus publice mandatus est, et ex eo T. Roscius non paulum nescio quid in rem suam convertit, sed hunc funditus evertit bonis, ipse tria praedia sibi depactus est, voluntatem decurionum ac municipum omnium tantidem quanti fidem suam fecit.

116 XL. Videte iam porro cetera, iudices, ut intellegatis maleficium nullum fingi posse, quo iste sese

non contaminarit. In rebus minoribus socium fallere turpissimum est aequeque turpe atque illud, de quo ante dixi; neque iniuria, propterea quod auxilium sibi se putat adiunxisse, qui cum altero rem communicavit. Ad cuius igitur fidem confugiet, cum per eius fidem laeditur, cui se commiserit? Atque ea sunt animadvertenda peccata maxime, quae difficillime praecaventur. Tecti esse ad alienos possumus; intimi multa apertiora videant necesse est: socium cavere qui possumus? quem etiam si metuimus, ius officii laedimus. Recte igitur maiores eum, qui socium fefellisset, in virorum bonorum numero non putarunt haberi oportere. At vero T. 117
Roscius non unum rei pecuniariae socium fefellit, quod tametsi grave est, tamen aliquo modo posse ferri videtur, verum novem homines honestissimos, eiusdem muneris, [legationis] officii mandatorumque socios, induxit, decepit, destituit, adversariis tradidit, omni fraude et perfidia fefellit. Qui de eius scelere suspicari nihil potuerunt, socium officii metuere non debuerunt, eius malitiam non viderunt, orationi vanae crediderunt. Itaque nunc illi homines honestissimi propter istius insidias parum putantur cauti providique fuisse: iste, qui initio proditor fuit, deinde perfuga, qui primo sociorum consilia adversariis enuntiavit, deinde societatem cum ipsis adversariis coiit, terret etiam nos ac minatur, tribus praediis, hoc est praemiis sceleris, ornatus. In eius modi vita, iudices, in his tot tantisque flagitiis hoc quoque maleficium, de quo iudicium est, reperietis. Etenim quaerere ita 118
debetis: ubi multa avare, multa audacter, multa

improbe, multa perfidiose facta videbitis, ibi scelus quoque latere inter illa tot flagitia putatote. Tametsi hoc quidem minime latet, quod ita promptum et propositum est, ut non ex illis maleficiis, quae in illo constat esse, hoc intellegatur, verum ex hoc etiam, si quo de illorum forte dubitabitur, convincatur. Quid tandem? quaeso, iudices: num aut ille lanista omnino iam a gladio recessisse videtur aut hic discipulus magistro tantulum de arte concedere? Par est avaritia, similis improbitas, eadem impudentia, gemina audacia.

119 XLI. Etenim quoniam fidem magistri cognostis, cognoscite nunc discipuli aequitatem. Dixi iam antea, saepe numero postulatos esse ab istis duos servos in quaestionem: tu semper, T. Rosci, recusasti. Quaero abs te: iine qui postulabant indigni erant qui impetrarent? an is te non commovebat, pro quo postulabant? an res ipsa tibi iniqua videbatur? Postulabant homines nobilissimi atque integerrimi nostrae civitatis, quos iam antea nominavi, qui ita vixerunt talesque a populo Romano putantur, ut quidquid dicerent, nemo esset qui non aequum putaret. Postulabant autem pro homine miserrimo atque infelicissimo, qui vel ipse sese in cruciatum dari cuperet, dum de patris morte quaereretur. Res porro abs te eius modi postulabatur, ut nihil interesset, utrum eam [rem] recusares an de
120 maleficio confiterere. Quae cum ita sint, quaero abs te, quam ob causam recusaris. Cum occiditur Sex. Roscius, ibidem fuerunt. Servos ipsos, quod ad me attinet, neque arguo neque purgo: quod a vobis oppugnari video, ne in quaestionem dentur, suspi-

ciosum est; quod vero apud vos ipsos in honore tanto sunt, profecto necesse est sciant aliquid, quod si dixerint, perniciosum vobis futurum sit. 'In dominos quaeri de servis iniquum est.' At si quaeritur de Sex. Roscii servis, non in dominum quaeritur; vos enim dominos esse dicitis. 'Cum Chrysogono sunt.' Ita credo: litteris eorum et urbanitate Chrysogonus ducitur, ut inter suos omnium deliciarum atque omnium artium puerulos, ex tot elegantissimis familiis lectos, velit hos versari, homines paene operarios ex Amerina disciplina patris familiae rusticani. Non ita est profecto, iudices; non est veri 121
simile, ut Chrysogonus horum litteras adamarit aut humanitatem, non, ut rei familiaris negotio diligentiam cognorit eorum et fidem. Est quiddam, quod occultatur: quod quo studiosius ab istis opprimitur et absconditur, eo magis eminet et apparet. XLII. Quid igitur? Chrysogonus suine maleficii 122
occultandi causa quaestionem de iis haberi non vult? Minime, iudices; non in omnes arbitror omnia convenire. Ego in Chrysogono, quod ad me attinet, nihil eius modi suspicor, neque hoc mihi nunc primum in mentem venit dicere. Meministis me ita distribuisse initio causam: in crimen, cuius tota argumentatio permissa Erucio est, et in audaciam, cuius partes Rosciis impositae sunt. Quidquid maleficii, sceleris, caedis erit, proprium id Rosciorum esse debebit. Nimiam gratiam potentiamque Chrysogoni dicimus et nobis obstare et perferri nullo modo posse et a vobis, quoniam potestas data est, non modo infirmari, verum etiam vindicari oportere. Ego sic existimo: qui quaeri velit ex iis, 123

quos constat, cum caedes facta est, adfuisse, eum cupere verum inveniri; qui recuset, eum profecto, tametsi verbo non audeat, tamen re ipsa de maleficio suo confiteri. Dixi initio, iudices, nolle me plura de istorum scelere dicere, quam causa postularet ac necessitas ipsa cogeret: nam et multae res adferri possunt et de una quaque earum multis cum argumentis dici potest. Verum ego, quod invitus ac necessario facio, neque diu neque diligenter facere possum. Quae praeteriri nullo modo poterant, ea leviter, iudices, attigi: quae posita sunt in suspicionibus, de quibus si coepero dicere, pluribus verbis sit disserendum, ea vestris ingeniis coniecturaeque committo.

124 XLIII. Venio nunc ad illud nomen aureum Chrysogoni, sub quo nomine tota societas latuit: de quo, iudices, neque quo modo dicam neque quo modo taceam reperire possum. Si enim taceo, vel maximam partem relinquo; sin autem dico, vereor ne non ille solus, id quod ad me nihil attinet, sed alii quoque plures laesos se esse putent. Tametsi ita se res habet, ut mihi in communem causam sectorum dicendum nihil magno opere videatur: haec enim causa nova
125 profecto et singularis est. Bonorum Sex. Roscii emptor est Chrysogonus. Primum hoc videamus: eius hominis bona qua ratione venierunt aut quo modo venire potuerunt? Atque hoc non ita quaeram, iudices, ut id dicam esse indignum, hominis innocentis bona veniisse. Si enim haec audientur ac libere dicentur, non fuit tantus homo Sex. Roscius in civitate, ut de eo potissimum conqueramur. Verum ego hoc quaero: qui potuerunt ista ipsa lege, quae

de proscriptione est, sive Valeria est sive Cornelia— non enim novi nec scio,—verum ista ipsa lege bona Sex. Roscii venire qui potuerunt? Scriptum enim 126
ita dicunt esse, 'ut eorum bona veneant, qui proscripti sunt,' quo in numero Sex. Roscius non est, 'aut eorum, qui in adversariorum praesidiis occisi sunt.' Dum praesidia ulla fuerunt, in Sullae praesidiis fuit: posteaquam ab armis recessum est, in summo otio rediens a cena Romae occisus est. Si lege, bona quoque lege veniisse fateor; sin autem constat contra omnes non modo veteres leges, verum etiam novas occisum esse, bona quo iure aut quo modo aut qua lege venierint, quaero. XLIV. In 127
quem hoc dicam, quaeris, Eruci? non in eum, quem vis et putas; nam Sullam et oratio mea ab initio et ipsius eximia virtus omni tempore purgavit. Ego haec omnia Chrysogonum fecisse dico, ut ementiretur, ut malum civem Sex. Roscium fuisse fingeret, ut eum apud adversarios occisum esse diceret, ut hisce de rebus a legatis Amerinorum doceri L. Sullam passus non sit. Denique etiam illud suspicor, omnino haec bona non veniisse, id quod postea, si per vos, iudices, licitum erit, aperietur. Opinor enim esse in lege, 128
quam ad diem proscriptiones venditionesque fiant, Kalendas Iunias. Aliquot post menses et homo occisus est et bona veniisse dicuntur. Profecto aut haec bona in tabulas publicas nulla redierunt nosque ab isto nebulone facetius eludimur quam putamus, aut si redierunt, tabulae publicae corruptae aliqua ratione sunt: nam lege quidem bona venire non potuisse constat. Intellego me ante tempus, iudices, haec scrutari et prope modum errare, qui, cum capiti

Sex. Roscii mederi debeam, reduviam curem. Non enim laborat de pecunia, non ullius rationem sui commodi ducit; facile egestatem suam se laturum putat, si hac indigna suspicione et ficto crimine
129 liberatus sit. Verum quaeso a vobis, iudices, ut haec pauca, quae restant, ita audiatis, ut partim me dicere pro me ipso putetis, partim pro Sex. Roscio. Quae enim mihi ipsi indigna et intolerabilia videntur quaeque ad omnes, nisi providemus, arbitror pertinere, ea pro me ipso ex animi mei sensu ac dolore pronuntio: quae ad huius vitam causamque pertinent, et quid hic pro se dici velit et qua condicione contentus sit, iam in extrema oratione nostra, iudices, audietis.

130 XLV. Ego haec a Chrysogono mea sponte remoto Sex. Roscio quaero: primum quare civis optimi bona venierint; deinde quare hominis eius, qui *neque proscriptus* neque apud adversarios occisus est, bona venierint, cum in eos solos lex scripta sit; deinde quare aliquanto post eam diem venierint, quae dies in lege praefinita est; denique cur tantulo venierint. Quae omnia si, quem ad modum solent liberti nequam et improbi facere, in patronum suum voluerit conferre, nihil egerit: nemo est enim, qui nesciat propter magnitudinem rerum multa multos *partim*
131 *invito*, partim imprudente L. Sulla commisisse. Placet igitur in his rebus aliquid imprudentia praeteriri? non placet, iudices, sed necesse est. Etenim si Iuppiter optimus maximus, cuius nutu et arbitrio caelum, terra mariaque reguntur, saepe ventis vehementioribus aut immoderatis tempestatibus aut nimio calore aut intolerabili frigore hominibus

cuit, urbes delevit, fruges perdidit, quorum nihil
micii causa divino consilio, sed vi ipsa et magni-
line rerum factum putamus, at contra commoda,
ibus utimur, lucemque, qua fruimur, spiritumque,
em ducimus, ab eo nobis dari atque impertiri vide-
is: quid miramur, iudices, L. Sullam, cum solus
n publicam regeret orbemque terrarum gubernaret
periique maiestatem, quam armis receperat, legi-
s confirmaret, aliqua animadvertere non potuisse?
si hoc mirum est, quod vis divina adsequi non
ssit, si id mens humana adepta non sit. Verum 132
haec missa faciam, quae iam facta sunt, ex iis,
tae nunc cum maxime fiunt, nonne quivis potest
tllegere omnium architectum et machinatorem
ım esse Chrysogonum, qui Sex. Roscii nomen
ferendum curavit, cuius honoris causa accusare
dixit Erucius? * * *

XLVI. * * * aptam et ratione dispositam se
bere existimant, qui in Sallentinis aut in Brut-
s habent, unde vix ter in anno audire nuntium
ssunt.

Alter tibi descendit de Palatio et aedibus 133
is: habet animi causa rus amoenum et suburba-
m, plura praeterea praedia neque tamen ullum
si praeclarum et propinquum; domus referta
sis Corinthiis et Deliacis, in quibus est authepsa
a, quam tanto pretio nuper mercatus est, ut
i praetereuntes, quid praeco enuntiaret, audie-
nt, fundum venire arbitrarentur. Quid prae-
ea caelati argenti, quid stragulae vestis, quid
ctarum tabularum, quid signorum, quid marmoris
ud illum putatis esse? tantum scilicet, quantum

e multis splendidisque familiis in turba et rapin
134 coacervari una in domo potuit. Familiam ver
quantam et quam variis cum artificiis habeat, qui
ego dicam? Mitto hasce artes vulgares, coquo
pistores, lecticarios: animi et aurium causa tc
homines habet, ut cotidiano cantu vocum et nervc
rum et tibiarum nocturnisque conviviis tota vicinita
personet. In hac vita, iudices, quos sumptus cot
dianos, quas effusiones fieri putatis? quae vero cor
vivia? Honesta, credo, in eius modi domo, si domu
haec habenda est potius quam officina nequitiae a
135 deversorium flagitiorum omnium. Ipse vero quer
ad modum composito et demisso capillo passim pe
forum volitet cum magna caterva togatorum, videti
iudices; ut omnes despiciat, ut hominem prae s
neminem putet, ut se solum beatum, solum potente
putet. Quae vero efficiat et quae conetur si velir
commemorare, vereor, iudices, ne quis imperitic
existimet me causam nobilitatis victoriamque v
luisse laedere; tametsi meo iure possum, si quid i
hac parte mihi non placeat, vituperare: non enir
vereor ne quis alienum me animum habuisse a caus
136 nobilitatis existimet. XLVII. Sciunt ii, qui n
norunt, me pro mea tenui infirmaque parte, poste
quam id, quod maxime volui, fieri non potuit r
componeretur, id maxime defendisse, ut ii vincerer
qui vicerunt. Quis enim erat, qui non viden
humilitatem cum dignitate de amplitudine conte
dere? quo in certamine perditi civis erat non se s
eos iungere, quibus incolumibus et domi dignitas
foris auctoritas retineretur. Quae perfecta esse
suum cuique honorem et gradum redditum gaude

iudices, vehementerque laetor, eaque omnia deorum voluntate, studio populi Romani, consilio et imperio et felicitate L. Sullae gesta esse intellego. Quod 137
animadversum est in eos, qui contra omni ratione pugnarunt, non debeo reprehendere; quod viris fortibus, quorum opera eximia in rebus gerendis exstitit, honos habitus est, laudo: quae ut fierent, idcirco pugnatum esse arbitror meque in eo studio partium fuisse confiteor. Sin autem id actum est et idcirco arma sumpta sunt, ut homines postremi pecuniis alienis locupletarentur et in fortunas unius cuiusque impetum facerent, et id non modo re prohibere non licet, sed ne verbis quidem vituperare, tum vero isto bello non recreatus neque restitutus, sed subactus oppressusque populus Romanus est. Verum longe aliter est. Nihil horum est, iudices; 138
non modo non laedetur causa nobilitatis, si istis hominibus resistetis, verum etiam ornabitur.
XLVIII. Etenim qui haec vituperare volunt, Chrysogonum tantum posse queruntur; qui laudare volunt, concessum ei non esse commemorant. Ac iam nihil est quod quisquam aut tam stultus aut tam improbus sit qui dicat: 'vellem quidem liceret, hoc dixissem': dicas licet; 'hoc fecissem': facias licet; nemo prohibet; 'hoc decrevissem': decerne, mode recte; omnes adprobabunt; 'hoc iudicassem': laudabunt omnes, si recte et ordine iudicaris. Dum 139
necesse erat resque ipsa cogebat, unus omnia poterat: qui posteaquam magistratus creavit legesque constituit, sua cuique procuratio auctoritasque est restituta. Quam si retinere volent ii qui reciperarunt, in perpetuum poterunt obtinere: sin has

caedes et rapinas et hos tantos tamque profusos sumptus aut facient aut adprobabunt, nolo in eo gravius quidquam ne ominis quidem causa dicere unum hoc dico: nostri illi nobiles, nisi vigilantes et boni et fortes et misericordes erunt, iis hominibus in quibus haec erunt, ornamenta sua concedant
140 necesse est. Quapropter desinant aliquando dicere male aliquem locutum esse, si qui vere ac liber locutus sit; desinant suam causam cum Chrysogono communicare; desinant, si ille laesus sit, de se aliquid detractum arbitrari; videant ne turpe miserumque sit eos, qui equestrem splendorem pati non potuerunt, servi nequissimi dominationem ferre posse. Quae quidem dominatio, iudices, in aliis rebus ante versabatur; nunc vero quám viam múnierit, quód iter adféctet, videtis: ad fidem, ad ius iurandum, ad iudicia vestra, ad id, quod solum prope in
141 civitate sincerum sanctumque restat. Hicine etiam sese putat aliquid posse Chrysogonus? hic etiam potens esse vult? o rem miseram atque acerbam! Neque me hercules hoc indigne fero, quod verear ne quid possit, verum quod ausus est, quod speravit sese apud tales viros aliquid *valiturum* ad perniciem innocentis id ipsum queror. XLIX. Idcircone experrecta nobilitas armis atque ferro rem publicam reciperavit, ut ad libidinem suam liberti servolique nobilium
142 bona fortunasque nostras vexare possent? Si id actum est, fateor me errasse, qui hoc maluerim, fateor insanisse, qui cum illis senserim, tametsi inermis, iudices, sensi. Sin autem victoria nobilium ornamento atque emolumento rei publicae populoque Romano debet esse, tum vero optimo et nobilissimo

cuique meam orationem gratissimam esse oportet. Quodsi quis est, qui et se et causam laedi putet, cum Chrysogonus vituperetur, is causam ignorat, se ipsum probe novit. Causa enim splendidior fiet, si nequissimo cuique resistetur: ille improbissimus Chrysogoni fautor, qui sibi cum illo rationem communicatam putat, laeditur, cum ab hoc splendore causae separatur.

Verum haec omnis oratio, ut iam ante dixi, mea 143
est, qua me uti res publica et dolor meus et istorum iniuria coëgit: Sex. Roscius horum nihil indignum putat, neminem accusat, nihil de suo patrimonio queritur; putat homo imperitus morum, agricola et rusticus, ista omnia, quae vos per Sullam gesta esse dicitis, more, lege, iure gentium facta; culpa liberatus et crimine nefario solutus cupit a vobis discedere. Si hac indigna suspicione careat, animo aequo se 144
carere suis omnibus commodis dicit: rogat oratque te, Chrysogone, si nihil de patris fortunis amplissimis in suam rem convertit, si nulla in re te fraudavit, si tibi optima fide sua omnia concessit, adnumeravit, adpendit, si vestitum, quo ipse tectus erat, anulumque de digito suum tibi tradidit, si ex omnibus rebus se ipsum nudum neque praeterea quidquam excepit, ut sibi per te liceat innocenti amicorum opibus vitam in egestate degere. L. Praedia mea tu possides, ego aliena misericordia 145
vivo: concedo, et quod animus aequus est et quia necesse est. Mea domus tibi patet, mihi clausa est: fero. Familia mea maxima tu uteris, ego servum habeo nullum: patior et ferendum puto. Quid vis amplius? quid insequeris? quid oppugnas? qua in

re tuam voluntatem laedi a me putas? ubi tuis commodis officio? quid tibi obsto? Si spoliorum causa vis hominem occidere, spoliasti; quid quaeris amplius? si inimicitiarum, quae sunt tibi inimicitiae cum eo, cuius ante praedia possedisti quam ipsum cognosti? si metus, ab eone aliquid metuis, quem vides ipsum ab se tam atrocem iniuriam propulsare non posse? sin, quod bona, quae Sex. Roscii fuerunt, tua facta sunt, idcirco hunc illius filium studes perdere, nonne ostendis id te vereri, quod praeter ceteros tu metuere non debeas, ne quando liberis proscriptorum bona patria reddan-
146 tur? Facis iniuriam, Chrysogone, si maiorem spem emptionis tuae in huius exitio ponis quam in iis rebus, quas L. Sulla gessit. Quodsi tibi causa nulla est, cur hunc miserum tanta calamitate adfici velis, si tibi omnia sua praeter animam tradidit nec sibi quidquam paternum, ne monumenti quidem causa, clam reservavit: per deos immortales, quae ista tanta crudelitas est? quae tam fera immanisque natura? Quis umquam praedo fuit tam nefarius, quis pirata tam barbarus, ut, cum integram praedam sine sanguine habere posset, cruenta spolia
147 detrahere mallet? Scis hunc nihil habere, nihil audere, nihil posse, nihil umquam contra rem tuam cogitasse, et tamen oppugnas eum, quem neque metuere potes neque odisse debes nec quidquam iam habere reliqui vides, quod ei detrahere possis: nisi hoc indignum putas, quod vestitum sedere in iudicio vides, quem tu e patrimonio tamquam e naufragio nudum expulisti. Quasi vero nescias hunc et ali et vestiri a Caecilia, [Balearici filia,

Nepotis sorore,] spectatissima femina, quae cum patrem clarissimum, amplissimos patruos, ornatissimum fratrem haberet, tamen, cum esset mulier, virtute perfecit, ut quanto honore ipsa ex illorum dignitate adficeretur, non minora illis ornamenta ex sua laude redderet. LI. An quod diligenter defen- 148
litur, id tibi indignum facinus videtur? Mihi crede, si pro patris huius hospitiis et gratia vellent omnes huic hospites adesse et auderent libere defendere, satis copiose defenderetur: sin autem pro magnitudine iniuriae proque eo, quod summa res publica in huius periculo tentatur, haec omnes vindicarent, consistere me hercule vobis isto in loco non liceret: nunc ita defenditur, non sane ut moleste ferre adversarii debeant neque ut se potentia superari putent. Quae domi gerenda sunt, ea per Caeciliam 149
transiguntur; fori iudiciique rationem M. Messalla, ut videtis, iudices, suscepit: qui si iam satis aetatis ac roboris haberet, ipse pro Sex. Roscio diceret: quoniam ad dicendum impedimento est aetas et pudor, qui ornat aetatem, causam mihi tradidit, quem sua causa cupere ac debere intellegebat: ipse assiduitate, consilio, auctoritate, diligentia perfecit, ut Sex. Roscii vita, erepta de manibus sectorum, sententiis iudicum permitteretur. Nimirum, iudices, pro hac nobilitate pars maxima civitatis in armis fuit; haec acta res est, ut ii nobiles restituerentur in civitatem, qui hoc facerent, quod facere Messallam videtis, qui caput innocentis defenderent, qui iniuriae resisterent, qui, quantum possent, in salute alterius quam in exitio mallent ostendere: quod si omnes, qui eodem loco nati sunt, facerent, et res publica ex illis et ipsi ex invidia minus laborarent.

150 LII. Verum si a Chrysogono, iudices, non impetramus, ut pecunia nostra contentus sit, vitam ne petat, si ille adduci non potest ut, cum ademerit nobis omnia, quae nostra erant propria, ne lucem quoque hanc, quae communis est, eripere cupiat, si non satis habet avaritiam suam pecunia explere, nisi etiam crudelitati sanguis praebitus sit: unum perfugium, iudices, una spes reliqua est Sex. Roscio, eadem quae rei publicae, vestra pristina bonitas et misericordia, quae si manet, salvi etiam nunc esse possumus. Sin ea crudelitas, quae hoc tempore in re publica versata est, vestros quoque animos, id quod fieri profecto non potest, duriores acerbioresque reddit, actum est, iudices: inter feras satius est aetatem degere quam in hac tanta immanitate ver-
151 sari. Ad eamne rem vos reservati estis, ad eamne rem delecti, ut eos condemnaretis, quos sectores ac sicarii iugulare non potuissent? Solent hoc boni imperatores facere, cum proelium committunt, ut in eo loco, quo fugam hostium fore arbitrentur, milites conlocent, in quos, si qui ex acie fugerint, de improviso incidant. Nimirum similiter arbitrantur isti bonorum emptores, vos hic, tales viros, sedere, qui excipiatis eos, qui de suis manibus effugerint. Di prohibeant, iudices, ut hoc, quod maiores consilium publicum vocari voluerunt, praesidium sectorum
152 existimetur. An vero, iudices, vos non intellegitis nihil aliud agi, nisi ut proscriptorum liberi quavis ratione tollantur, et eius rei initium in vestro iure iurando atque in Sex. Roscii periculo quaeri? Dubium*ne est, ad* quem maleficium pertineat, cum videatis *ex altera* parte sectorem, inimicum, sicarium *eundemque* accusatorem hoc tempore, ex altera parte

egentem, probatum suis filium, in quo non modo culpa nulla, sed ne suspicio quidem potuit consistere? Num quid hic aliud videtis obstare Sex. Roscio, nisi quod patris bona venierunt? LIII. Quodsi id vos 153
suscipitis et ad eam rem operam vestram profitemini, si idcirco sedetis, ut ad vos adducantur eorum liberi, quorum bona venierunt, cavete, per deos immortales, iudices, ne nova et multo crudelior per vos proscriptio instaurata esse videatur. Illam priorem, quae facta est in eos, qui arma capere potuerunt, tamen senatus suscipere noluit, ne quid acrius, quam more maiorum comparatum est, publico consilio factum videretur: hanc vero, quae ad eorum liberos atque ad infantium puerorum incunabula pertinet, nisi hoc iudicio a vobis reicitis et aspernamini, videte, per deos immortales, quem in locum rem publicam venturam putetis.

Homines sapientes et ista auctoritate et potestate 154
praeditos, qua vos estis, ex quibus rebus maxime res publica laborat, iis maxime mederi convenit. Vestrum nemo est quin intellegat populum Romanum, qui quondam in hostes lenissimus existimabatur, hoc tempore domestica crudelitate laborare. Hanc tollite ex civitate, iudices, hanc pati nolite diutius in hac re publica versari: quae non modo id habet in se mali, quod tot cives atrocissime sustulit, verum etiam hominibus lenissimis ademit misericordiam consuetudine incommodorum. Nam cum omnibus horis aliquid atrociter fieri videmus aut audimus, etiam qui natura mitissimi sumus, assiduitate molestiarum sensum omnem humanitatis ex animis *amittimus.*

NOTES.

P. 1, c. I. § 1. Credo ego vos mirari = *θαυμάζοιτε ἄν. iudices*, Introd. § 13.

nobilissimi, §§ 15, 77, 149.

aetate, Introd. § 1; *ingenio* [ability]=*facultate dicendi*, §§ 5, 9, 62; *auctoritate*, § 3, *quod nondum ad rem publicam accessi.*

omnes hi, [the friends of Sex. Roscius: see Introd. § 7.] Up to *defendere ipsi* the sentence is concessive: ['*It is true that* all . . . think, &c.; *but* they do not dare,' &c. For the omission of the adversative particle Richter compares § 2, *si qui istorum dixisset . . . ego si omnia dixero.* §§ 42, 57, 58.]

adesse, cp. § 2. Others join *adesse in hac causa*, but the addition has no force in an allusion to the *advocati*, i.e. the friends who supported the accused merely by their presence in court.

[**novo**, 'unheard of,' 'strange;' cp. § 30, *crimen incredibile.*]

scelere, abstract, 'wickedness,' 'villainy,' as in §§ 7, 12, 17, 25, 28, &c.

officium, as *hospites*, § 15.

§ 2. [**Quid ergo?** introduces a question which the speaker only suggests in order to negative it at once: cp. § 122, *quid igitur?* and see § 36, first note.]

praeter ceteros: see § 145, note.

quia: *quod* would better answer the question *quae res impulit?* Before *quia* supply *causam recepi.*

amplitudo, the especial attribute of the *ordo senatorius*; [cp. de Domo sua, § 55, *ordo amplissimus.*]

si verbum fecisset, 'if he had in a single word touched on politics.'

[**fieri necesse est.** In narrating the sale of the property of Sex. Roscius, allusion must be made to the proscriptions and Sulla's régime.

multo plura, &c.; i.e. a mere hint, from a prominent man, of his political opinions, would be caught up and exaggerated by the audience.]

§ 3. **exire atque . . . emanare**, i.e. will not be reported so far by word of mouth, and so be liable to be exaggerated and misrepresented. Note the slightness of antithesis between this and *multo plura . . . dixisse videretur*, which words would rather lead on to the thought, 'but *my* words will not be taken for more than they are worth.'

P. 2. **concedi . . . ignosci**, synonymous terms used for variety; cp. § 10 sub fin., *praebeas . . . impertias*.

vel occultum esse differs only verbally from *exire atque emanare* above; [but here there is a distinct antithesis with *neque obscurum potest esse*.]

ad rem publicam accessi. Cicero did not enter on the quaestorship until five years later.

ignoscendi ratio, 'pardoning;' a periphrasis for the non-existent verbal subst. of *ignoscere*. Nägelsbach, Lat. Stil. § 27, quotes ad Q. Fr. I. 1. 18, *praecipiendi rationem* = 'teaching,' 'theorising,' with other instances.

cognoscendi. *Cognoscere* is the technical term for inquiry into a crime; a process which had been abandoned for the summary procedure of the Proscriptions. For the *paronomasia*, cp. Ter. Heaut. II. 1. 5, *Mihi si umquam filius erit, ne ille facili me utetur patre: Nam et cognoscendi et ignoscendi dabitur peccati locus:* [and in this speech, § 18, *suspiciosum . . . perspicuum;* § 42, *confirmaret . . . infirmem;* § 89, *derogo . . . adrogo;* § 135, *videtis . . . invidetis;* § 117, *praediis . . . praemiis;* § 112, *offers . . . officio . . . officis . . . obstas*. Landgraf quotes these among many instances of the *Asianum genus dicendi*, i.e. the artificial florid style, followed at first by Cicero before he studied under Molon in Rhodes.]

§ 4. **dicerent**, sc. *causam:* see § 5, note.

[**ita petitum sit . . . ut . . . arbitrarentur**. The urgency of the request was limited; they were to comply or not, according as they thought, &c.]

utrumvis, to undertake the defence or decline it; cp. § 83.

ii contenderunt, Introd. § 7.

voluntatem answers to *amicitia*, [*benevolentiam* and *auctoritatem* to *beneficiis* and *dignitate*.]

c. II. § 5. **causis . . . causae**, 'reasons . . . case.' This *figure of speech, cum continenter unum verbum non eadem sententia*

ponitur (Cic. Orat. 135), was named πλοκή or ἀντιμετάθεσις by the rhetoricians. Cp. § 28, *ut ad eam rem aliquem accusatorem veterem compararent, qui de ea re posset dicere aliquid, in qua re*, &c.; § 149, *causam mihi tradidit, quem sua causa cupere intellegebat*; § 7, *peto . . . vitam ne petat.* Auct. ad Herenn. IV. 21, '*Cur eam rem tam studiose curas, quae multas tibi dabit curas?*' '*Nam amari iucundum est, si curetur, ne quid insit amari.*' '*Veniam ad vos, si mihi senatus det veniam.*'

unus ['rather than anyone else'] = *unus praeter caeteros.*

ingenio: see § 1, note.

et fortunis: frequently joined with *capite*, as here; since capital trials involved, as a rule, partial or entire loss of property. The phrase here seems used only formally, to avoid mentioning the *poena cullei* (Introd. § 10); and §§ 128, 143, show that Cicero did not mean to enter on a *dimicatio de fortunis.*

causam dicere: said alike of the *reus* (§§ 13, 56, 82, 85) and of the *patronus causae* (here and § 12).

eius rei; sc. the fact that they held in their possession the property of the murdered man. On *ab accusatoribus*, see Introd. note 49.

§ 6. **quae sunt**, 'which are worth.' Supply the abl. *centenis milibus sestertium.*

de viro, as representative of the State. In historical language Cicero would not have said *de L. Sulla bona emit*; but the words, which he puts with bitter irony into the mouth of Chrysogonus, point to Sulla as the authorizer of the purchase, [and to the sale *sub hasta*, as of State property, Introd. note 23.] Cp. Verr. II. 3. 81: *Unus adhuc fuit post Romam conditam, cui respublica se totam traderet, L. Sulla. Hic tantum potuit, ut nemo illo invito nec bona nec patriam nec vitam retinere posset: tantum animi habuit ad audaciam, ut dicere in contione non dubitaret, bona civium Romanorum cum venderet, se praedam suam vendere.* The phrase *emere de aliquo* is as frequent as *ab aliquo.*

honoris causa nomino (the opposite to *contumeliae causa nominare*, Verr. Act. I. 18) was a formula used in mentioning a living person of distinction, indirectly connected with the matter in hand, in order to preclude any idea that the speaker would allow himself to make a derogatory allusion to him. Cp. §§ 15, 27, de Imp. Pomp. 58, and esp. § 47 below, *homines notos sumere odiosum est, cum et illud incertum sit, velintne ii sese nominari.*

nummum, Introd. § 3.

vel, 'perhaps.'

P. 3. L. Cornelius, Introd. note 13.

pecuniam, ['the entire property;'] = *patrimonium.* 'Pecuniam *dicit universitatem rei familiaris,*' Schol. Cp. §§ 7, 15, 23, 26, 86, 110, 128.

invaserit, ironically for *invasit,* implying that Chrysogonus himself gave that reason for the request. ['Since, *as he says,* he has seized upon,' &c. Cp. *quod adeptus est,* below, indicat.]

[obstare atque officere, i.e. bars his way to it, hinders his enjoyment of it. The same words are in §§ 112, 145. Cp., on the other hand, § 6 sub fin., *adiutores ad hanc praedam.*]

damnato et ejecto, condemned, and hence thrust out (of his property). Cp. § 23, *eicit domo atque focis,* and § 27. Loss of property would be, not the regular penalty of a condemnation for parricide, but a sure consequence of it. Others supply *de civitate* with *ejecto,* since Sex. Roscius, if he foresaw his condemnation, could go into exile before sentence was passed.

per scelus, i.e. by having the late owner's name placed on the proscription list: Introd. § 3.

id per luxuriam effundere, sarcastically for *id tuto habere.*

qui se pungit, instead of the regular forms *eum pungit* or *se pungat.* The relative clause *qui se . . . pungit* seems to form a part of and coalesce with the main sentence, = *se pungentem.* Examples, which are rare in Cicero, occur chiefly in his later writings: cp. de Inv. I. 55, *Epaminondas ei qui sibi ex lege praetor successerat* (=*successori suo*) *exercitum non tradidit.* Verr. II. 5. 128, *Dexo hic non quae privatim sibi eripuisti . . . flagitat.* Hor. Sat. I. 1. 1, *Qui fit, Maecenas, ut nemo, quam sibi sortem seu ratio dederit seu fors obiecerit, illa contentus vivat?* Madvig, § 490, Obs. 3.

ut evellatis, postulat ut. *Ut . . . ut* are in different senses: the first shows the reason for the request; the second the object of it.

praedam, §§ 8, 86, 107, 145.

§ 7. **Nisi . . . videtur,** ironical.

c. III. [**nostris.** Cicero frequently identifies himself with his client: cp. § 32, *patrem meum,* &c.; see note.]

petat: see § 5, note; and cp. § 21, *impetum facit.*

sceleri: see § 1.

et in causa. *Et* is very rare with the third member in a series: here the first two, being in antithesis with each other, may be regarded as forming one. [Or 'the third is the resultant *of the first* two,' Richter.]

§ 8. **causa criminis,** 'grounds for an accusation.'

illi; [*ille* and *iste* in judicial speeches mean 'my opponent;' *hic*, 'my client,' the man near me. *Ille* implies that the orator is speaking to the audience *of* his adversary; *iste*, that he is speaking *at* his adversary.] *Illi* is said here (and *illorum* below), not *isti*, because Cicero is addressing the jurors direct. Cp. pro Sulla 34.

non nihil secuti, 'to have been guided by some sort of evidence.' In § 34, *quid vos sequi conveniat* = 'what you ought to keep in view, keep your attention on.' [*tamen*, i.e. little though it be, yet not *nothing*. Cp. §§ 33, 55.]

in deferendo nomine = *in accusando*. The *delatio nominis*, or giving notice of an accusation to the presiding magistrate in the appropriate *quaestio* (Introd. § 12), was followed by the *nominis receptio*, or entry of the accused's name by the Praetor on the list of *rei*.

recusamus, 'protest against.'

libidini, 'will and pleasure.'

si hoc pugnatur, 'if this be the object of the contest;' differing little from *si aliud agitur nihil*. Cf. Phil. x. 22, *qui id pugnant, id agunt;* VIII. 8, *M. Antonius id molitur, id pugnat.*

P. 4. vos idoneos habitos. The infin. is the regular construction after *dignum est* (= *decet, aequum est*, Cic. Tusc. II. 14) and *indignum est*. Madvig, § 398a.

per sententias iusque iurandum, 'through your verdict, which you give on oath' (§§ 101, 140, 152): cp. § 9, *natura pudorque*, 'natural modesty;' § 123, *vestris ingeniis coniecturaeque committo;* § 149, *aetds et pudor*. These passages show that in the so-called ἓν διὰ δυοῖν the first member has a complete sense in itself, but is followed by a second, equally able to stand alone, which specifies the sense more clearly. [But whether the first or second gives the leading idea is not always clear. De Or. I. 33, *clamores et admirationes* may mean 'admiring shouts,' or 'boisterous admiration.' Dräger, Lat. Synt. II. p. 17.]

ex civitate in senatum. Sulla had filled up the number of the Senate by the addition of 300 equites, whom he allowed the assembly of the Tribes to nominate. (Mommsen, Rom. Hist. III. p. 359.) The remaining senators, too, had been chosen indirectly by the people, for they had entered the Senate as curule magistrates.

propter severitatem, Introd. § 13.

postulare is not an infin. of indignant exclamation, but depends on *indignissimum est*.

homines sicarios. The addition of *homines* expresses contempt: ['a set of cut-throat fellows.' Cp. Ter. Adelph. I. 2. 31, *Tu homo adigis me ad insaniam.*]

a vobis metuere: cp. § 145, *ab eone aliquid metuis?*

spoliis: cp. 145, *spoliorum.*

c. IV. § 9. **commode,** 'in a manner appropriate to, worthy of, my subject,' so that the speech may correspond to the *atrocitas rerum.* Cp. § 33, *laudare satis commode;* § 61, *causam si non commode, at libere dici.*

graviter, 'impressively.'

natura pudorque: see § 8, note.

§ 10. **fide,** fidelity to their oath as jurors.

non spero, 'I will not hope,' 'I do not expect.' *Spero,* of unwelcome expectation, is only found with a negative in Cicero; without a negat. only in poets and later writers.

perferam, 'carry through.' For *et* [where we should say 'but'] after *non deficiam,* see Madvig, § 433, Obs. 2.

cum fide, 'trustfully.' § 30, *cum fide defendat,* is different, = 'in an honest, conscientious way.'

iudex: see Introd. § 13.

rei publicae: cp. esp. c. LII. and c. LIII.

P. 5. impertias, a variety for *praebeas:* see § 3.

c. V. § 11. **mortales** in Cicero = *homines* only in connection with *omnes* and *multi:* cp. § 95, *omnibus mortalibus.*

inter sicarios, Introd. § 12.

committitur, 'is held, set on foot:' cp. *committere ludos, spectaculum, pugnam, agona musicum,* &c.

cum interea . . . factae sunt: see Madvig, § 358, Obs. 1. [The indicative regularly follows *cum interea:* cp. Verr. II. 5. § 162, *caedebatur virgis . . . cum interea nullus gemitus audiebatur.*]

sanguine, 'bloodshed;' *dignissimam,* 'fully worthy,' corresponding to the greatness of the crimes: cp. just below, *ut quam acerrime maleficia vindicetis,* [and § 9, *satis commode dicere,* note. The reading of the MSS. is corrupt and meaningless. Halm calls the reading in the text 'only a makeshift.']

§ 12. [**vociferatione,** i.e. an appeal for due severity.]

causam dicimus, 'who are answering to a charge.' The phrase here suits Cicero both as *patronus* and as identified with *his client:* cp. § 5.

vester animus sit, 'your real disposition,' the free mani-
n of which would put a check on deeds of violence.

rumpere (for which *proruptura esse* or *prorumpere posse* be expected)='is on the way to break forth.' The ction is irregular, and so rare as to render the reading il. [The pres. may be rhetorical: 'is even now breaking nds;' Richter: who compares Cic. Ep. XII. 6. 2, *si conservatus erit, vicimus*, where the perf. instead of the orcible.]

in foro. 'The Praetor had his seat (*sella curulis*) on a platform (*tribunal*), under the open air, in the forum; the and clerks sat around him on low benches (*subsellia*); lown (*ante pedes vestros*), perhaps on the ground itself, *ubsellia* for the two contending parties, separated from one ; in a circle around stood the public (*corona*) who were ed in the case.' Richter.]

accusant ii, &c. Note the fine succession of antitheses.

bus bono fuit: cp. §§ 84, 86, *cui bono*. Madvig, § 249.

praesidio. So Cicero calls the friends (*advocati*) who peared with him in court.

iit [sc. *in judicium*], demands for trial and punishment: Sest. 46, *cum ob hasce causas me unum deposcerent*. . 26. 17, *poscere reum*=to demand a man for accusation.]

Atque, &c., marks the transition to the *narratio* t of the facts of the case).

6. res quem ad modum gesta sit, 'the particulars of the

facilius . . . calamitatem. The repetition of *ut facilius ere possitis* above, and the position of *et rei publicae atem*, seem to mark the passage as corrupt.

I. § 15. [**municeps,** a citizen of a *municipium*, which term date meant a town governed by its own magistrates, and ing the full rights of Roman citizenship; the latter having anted to all Italian towns during the Social War by the *ia*, B.C. 90, and the *lex Plautia Papiria*, B.C. 89.]

pitiis florens . . . nobilissimorum. Note the emphasis on the last word; it enhances the shamefulness of ing a friend of Sulla's own party on the proscription list. 21, *nobilitatis*. [On *hospitium*, see Ramsay, Rom. Ant. 86.]

Metellis: § 77; Introd. § 1.

gratia, 'in acknowledgment of:' cp. § 6, *honoris causa*.

atque, 'and yet.'

domestici praedones, i.e. who were members of his own family (*domus*): cp. § 17.

§ 16. **is**, the elder Roscius.

tumultu, in the civil war between Marius and Sulla; properly, 'alarm of war.' The word was used of any sudden outbreak of hostilities that caused confusion and alarm in Rome: cp. Phil. VIII. 3.

praeter caeteros: see § 145, note.

pro eorum honestate, 'in defence of their distinguished position.'

propter quos, 'to whom he owed it that': cp. § 63, pro Mil. 58, *propter quos vivit*. So freq. in Greek: cp. Lysias, Or. 25, § 29, *οἱ φεύγοντες δι' ἑτέρους ἐσώθησαν*.

proscriberentur, Introd. § 2. [Join *homines . . . ii qui*, as subject to *proscriberentur* and *caperentur*.] *Caperentur* implies the capture of enemies while in flight after a battle. Yet not *hostes*, nor even *inimici*, but *adversarii* ('men of the opposite party') follows. [This brings out the severity of Sulla's measures;] otherwise *raperentur* or *conquirerentur* would be expected rather than *caperentur*.

frequens. For the adj. in apposition, instead of the adverb, see Madvig, § 300 c, [and cp. § 18, *assiduus in praediis esset*; § 92, *Romae assiduus fuerit*.]

[**ut**, 'so that.']

§ 17. **veteres inimicitiae**, Introd. § 1. For the plural, see Madvig, § 51 d.

quorum alterum, T. Roscius Magnus.

P. 7. sedere in accusatorum subselliis. Cicero repeatedly calls attention to this (§§ 84, 87, 95, 104), [perhaps in order to attach to Magnus, in case he should wish to give evidence afterwards, the imputation of being prejudiced against the accused.] The examination of witnesses followed next after the speeches for the prosecution and defence.

possidere audio, Introd. note 26.

nobilis, the standing epithet for famous artists or performers: cp. Curtius, IX. 29. 16, *pugil nobilis*. *Gladiator*, figurat. for *sicarius*. This explains what kind of victories are denoted by *palmae* (the general term for tokens of victory in every kind of

contest) [viz. 'successful deeds of violence']: cp. §§ 84, 100; Auct. ad Her. IV. § 51, *sanguinolenta palma, crudelissima victoria potiti.*

his, not *iste*, although said of Cicero's adversary (cp. 8 sub init.), because Magnus, who was present, is meant, as opposed to the absent Capito. So § 113, *hic discipulus:* cp. in Verr. II. 4, § 7.

[**ad eum lanistam**, 'to the other (Capito) as trainer.']

hanc pugnam = *caedem Roscii.*

quod sciam, added ironically, 'so far as I know;' i.e. '*I know* of no other murder committed by him, and must therefore conclude that previously he was only a *tiro gladiatorius*;' hinting that Magnus may have committed many other crimes which Cicero had not heard of. For the subj. *sciam*, cp. § 95, *quod possim*, and Madvig, § 364, Obs. 2.

c. VII. § 18. **cum his (filius)**, &c., is not co-ordinate with but subordinate to the first *cum*, and gives the reason for *esset Ameriae;* ['while Sex. Roscius was at Ameria, owing to his being engrossed in the care of the estates,' &c.] *Filius* is an evident gloss, and the whole sentence *cum hic filius . . . frequens Romae esset* looks like an interpolation, as it makes the passage cumbrous, and the repetition *iste autem frequens Romae esset*, after *Titus autem iste Romae* (*esset*), seems unnecessary.

rei familiari, 'management of the property:' cp. § 43.

ad balneas Pallacinas, Introd. note 7.

ad quem suspicio pertineat, 'on whom the suspicion of the deed falls.'

culpae may be genit. or dat.: cp. pro Sulla, § 70, *huic adfines sceleri;* and § 17 of the same speech, *huius adfines suspicionis.* [Cp. Madvig, § 247 b, Obs. 4; § 290 d, Obs.]

iudicatote; *imperativus permissivus*, 'Declare him, for all I care:' cp. § 57, *si voletis . . . latratote;* § 109, *iudicatote.* [The 'permissive' sense seems due to the more formal commanding tone of the imperat. forms in *-to:* cp. pro Balb. § 36, *verbi genus hoc* **conservanto** . . . *imperantis est, non precantis.*]

§ 19. **nuntiat**, 'brings the news,' intrans., sc. *occisum esse Roscium.*

[**tenuis**, 'poor,' and so accessible to bribes.]

[**Titi Rosdi**, sc. Magni.]

et nuntiat, a rhetorical repetition, = 'and that, too:' cp. de Imp. Pomp. § 7, *regnat et ita regnat;* ib. 10, *dicam et ita dicam.*

[**inimici**, i.e. the enemy of the murdered man.]

post horam primam noctis. The Romans, both in summe and winter, divided both day and night into twelve *horae:* thu in summer the twelve *horae nocturnae* must be shorter than th twelve *horae diurnae*, and in winter *vice versa.* The seaso when the murder was committed is shown by the word *noctu nis*, which is added to enhance the speed of the journey, an must therefore mean *short* hours, i.e. hours of a summer night.

sex et quinquaginta milia passuum, 56 Roman miles,=51 English.

cisiis: '*cisium genus vehiculi Gallici*,' Schol. The plur (cp. Phil. II. 77, *cisio ad urbem advectus*) shows that th messenger took fresh carriages at the different stations.

§ 20. **quadriduo quo,** 'within four days after that,' &c abbrev. for *quadriduo a die quo;* [so Halm; but Madvig, § 27 Obs. 4, says, 'in the course of the same four days during whic these things took place:' cp. Ter. And. I. 1. 77, *In paucis diebu quibus haec acta sunt, Chrysis moritur.*] Cp. below, § 105. Sue Iul. § 35, *quem . . . quatuor quibus in conspectum venit hor . . . profligavit.*

Volaterras, Introd. note 14: cp. § 105, *ad Volaterras* [whic is more accurate, as denoting the *vicinity* of the town; Madvig § 232].

P. 8. fundos. Digest. lib. L. 16. 211, *ager cum aedificio fundus dicitur;* i.e. *fundus*=an estate on which there is a build ing, as opposed to *ager*, on which there is none.

Tiberim tangunt: an advantage. Pliny (Ep. v. 6. 12) says of his villa, *medios ille* (*Tiberis*) *agros secat, navium patiens, om nesque fruges devehit in urbem.*

inopia, 'helplessness.'

splendidus, the honorary epithet of the equestrian order, to which the murdered Roscius from the amount of his property belonged. [Cp. Fin. II. 18. 58, *C. Plotius, eques Romanus splendidus.*]

incautum, 'unsuspicious.'

ne diutius teneam. Without *vos*, as in Verr. I. 1. 34: cp. ib IV. 104, *ne multis morer.*

societas coitur, between Chrysog., Magnus, and Capito: cp §§ 28, 58, 60, 87, 95. The last two passages imply that there *were other* associates as well.

c. VIII. § 21. **mentio:** § 128; Introd. note 20.

nomen refertur: as Catiline had the name of his brother, whom he had murdered, subsequently placed on the proscription list (*tabulas*, cp. § 26), in order to avoid a prosecution for murder. The whole property of a proscribed person necessarily fell in to the State.

manceps: in its original sense. Festus, p. 151, *manceps dicitur qui quid a populo* (i.e. from the State) *emit conducitve.*

hodie, 'even now,' [=*hodie quoque*, or the later phrase *hodieque*.]

nomine Chrysogoni, as his *procurator*, § 23.

impetum facit, 'falls upon,' 'seizes on,' as in § 137; a stronger term for *occupat*, marking the act of violence which it was in the orator's view: cp. *invadere*, §§ 13, 23. The following words *Haec bona*, &c., which would be expected above after *manceps fit Chrysog.*, seem interpolated from § 6.

[**imprudente L. Sulla.** With this and the following passage cp. §§ 127, 131. Cicero takes care to say nothing against the dictator.]

§ 22. **quae praeterita sunt**; sc. the wounds inflicted on the State in the civil war. [If *ea quae . . . praeparet* is not merely an inexact phrase='prepare for coming needs,' it may mean 'arrange the shape and scope which coming events shall take.']

pacis constituendae. There is a reference here to Sulla's great constitutional changes, which had accompanied the conclusion of peace after the civil war.

rationem, properly 'making calculations for,' i.e. the regulation, adjustment: de Imp. Pomp. § 60, *consiliorum rationes.* Cp. § 3, *ignoscendi ratio*, note.

si non animadvertat follows from *neque enim mirum.*

aliquid. After si, nisi, ne, num, *quis* is more usual than *aliquis*; but the latter is found after *si*, especially if an emphasis rests on the pronoun, i.e. 'something,' as opposed to 'much,' 'little,' 'all,' and the like. (Madvig, § 493, Obs. 1.) [The emphasized *aliquid*, and the pres. subj. *animadvertat* (of an hypothesis merely conceived in the mind), give an apologetic tone: 'What wonder if there be *something* which he fails to notice?']

occupationem, 'his being engrossed,' i.e. the time when he was engrossed. Many verbals in *-io* take a passive sense: Verr. I. 1. 83, *circumsessionis tuae*='the fact of your being surrounded;' pro Sest. 47, *spoliatio*='the fact or condition of having been spoiled;' *infractio*, 'the state of being broken.' *Nägelsbach, Lat. Stil.* § 59 a 2.

[**observent**, 'look out for.' Virg. Georg. IV. 513, *Quos diurna arator Observans . . . detraxit.*]

despexerit ['glance aside']=*oculos deiecerit:* cp. § 131.

felix. It was known that Sulla had taken the surname Felix, though it had not yet come into general use. [Vell. Pat. II. 27. 5, *occiso enim eo* (*sc. C. Mario adulescente*) *Felicis nomen* (*Sulla*) *adsumpsit.*]

[**neminem . . . neque . . . neque.** For the double negative, the first not destroying the second, cp. §§ 73, 96, 146.]

P. 9, § 23. [**interea** brings the events graphically before the hearers' eyes: 'Meantime (while I am digressing), T. Roscius comes to Ameria,' &c.]

vir optimus: ironical, as in § 104.

procurator. '*Procurator est qui aliena negotia mandatu domini administrat,*' Ulpianus.

nondum etiam: cp. Cat. 1. 10, *vixdum etiam;* Verr. IV. 9, *nihildum etiam.*

omnia iusta solvisset. Funeral ceremonies lasted nine days after the interment, and ended with a repast (*novemdialia*) placed beside the tomb, as an offering to the *Manes.*

[**disque:** without a preposition, as the persons stood for the place. On the other hand, pro Quinct. § 83, *iam de fundo expulsus, iam a suis dis penatibus praeceps eiectus.*]

fuisset egentissimus, 'had made very sparing use of,' implying that he had led a *vita sordida.*

insolens, 'arrogant;' i.e. lavish, as opposed to *egentissimus.* Phil. IX. 13, *mirifice Servius maiorum continentiam diligebat, huius saeculi insolentiam vituperabat.* [De Orat. II. 84. 342, *insolentem in pecunia.*]

auctione, Introd. note 29.

c. IX. § 24. **iter ad sepulcrum.** 'The Romans frequently built tombs for themselves and their families on their estates, and, if they sold such estates, used to stipulate for the right of free access to the *sepulcra.* Unless such a stipulation were made in the deed of sale, the seller lost all right of access. So material an encroachment as this on the right of property was named *servitus* (*fundus servit*); by *servitus itineris* or simply *iter,* as here, was meant that the owner conceded to the former owner or to any interested person the right of walking, riding, or being carried over the land to the *sepulcrum; viae servitus* or *via* was the right of driving thither, and included the *iter.* The

younger Roscius could not retain even the relic of his *patrimonium* usually preserved, the *iter ad sepulcrum patrium in fundo alieno.*' Osenbrüggen. It was also customary among the Greeks, when land changed owners, to keep the grave as a family possession, and allow free access to relatives.

flagitiosa. It was so, because it depended on the murdered man's name being added to the list of proscribed after the right time.

possessio, 'seizure,' implying violence [in the sense of *possidĕre*, 'to take possession of']: cp. § 23.

furta, rapinae, donationes, accompanying the *possessio.* These alone might convince the Amerini that the transaction was illegal.

[**mallet,**·'would not have preferred,' in English.]

iactantem, 'pluming himself;' **dominantem,** 'playing the proprietor.'

§ 25. **decurionum . . . decem primi,** Introd. note 31.

[**fit ut proficiscantur,** &c. Note the pres. tense, carried graphically into the subordinate clauses: cp. § 110, *monet ut provideat, ne . . . agatur;* but below, *allegat, qui peterent.*]

scelere: § 7, note.

decretum decurionum. Omitted by Cicero in the published edition of the speech.

intellegitur ['it *can* be understood,' in English]; sc. from what happened to the embassy.

ad Sullam adirent, as in § 110. *adire* is used freq. in the same sense, with simple accus.

P. 10, § 26. [**autem,** 'but' (though he professed such readiness to serve them).]

antiqui, 'men of the old stamp.' Pl. Ep. II. 9, *vir sanctus, antiquus.*

fingerent, 'formed their ideas of.'

vacua, 'unoccupied;' as they would be, if the forcible appropriation were made null and void.

adpromitteret, 'added his promise' to that of Chrysogonus: [a ἅπαξ λεγόμενον.]

re inorata, 'without getting their case heard;' from the old meaning of *orare*=*agere*, to plead, whence *orator* in early Latin =*legatus* [one who pleaded or transacted an affair for the State].

aliquanto lentius agere [omitting *nihil*], 'they began to behave somewhat more indolently;' *more* indolently, as contrasted with *differre*, which implied some appearance of good intentions. [If *nihil* be kept, *aliquanto lentius nihil agere* may be translated, 'did nothing, trifled, still more recklessly:' cp. Liv. XXII. 14, *Tendentem ad moenia . . . Hannibalem lenti spectamus.*]

c. X. § 27. **de amicorum cogn. sententia.** Important family affairs were laid before a *consilium cognatorum et amicorum*, for their consideration and decision.

Caeciliam: see below, § 147, note.

honoris causa: § 6, note.

usus erat plurimum, sc. *familiariter*: cp. ad Att. XVI. 5. 3, *Cn. Lucceius, qui multum utitur Bruto.*

etiam nunc [i.e. in these degenerate days], as opposed to *antiqui*: cp. § 26.

exempli causa, 'to serve as a pattern;' not 'for instance,' which is in Latin *ut* or *velut*, [or '*exempli causa* with some such verb as *nominare, ponere, afferre;*' Richter.]

officii, 'sense of duty,' i.e. conscientiousness, obedience to duty; (sc. duty towards Sex. Roscius, in consideration of her friendship with his father.) [For the meaning of *officii*, cp. Tusc. IV. 28. 61, *Si quis aegre ferat, nihil in se esse officii.*]

hospiti, because *pater ea usus erat plurimum*. The *hospitium* of the father had been transmitted to the son: cp. § 106.

diligentia=*cura, vigilantia.*

in reos=*in reorum album* (list); *in proscriptos*=*in proscriptorum tabulas.*

§ 28. **ut . . . deferrent**: *ut* epexegetic, 'namely that they should,' &c.; as in §§ 77, 128, 136. Cp. Madvig, § 417, Obs. 2 ad fin.

P. 11. ad eam rem, 'for that purpose;' [*de ea re*, 'about that charge;' but *in qua re* refers to aliquid:] see § 5, note on *causis . . . causae.*

veterem, 'trained' (cp. § 17, *vetus gladiator;* § 39, *vetus sicarius*); i.e. who had often acted as accuser, had had enough practice, and would not scruple as to the evidence he employed.

crimine, 'by an accusation,' i.e. since they had no (*real*) charge to bring against him.

tempore ipso pugnare, 'to use the very circumstances as their weapons:' cp. Introd. § 6.

patronos: see § 30 sub fin.

societate: see § 20 sub fin.

ipso nomine, 'by the mere name:' cp. § 131, *vi ipsa*.

§ 29. **atque adeo** = *ac potius*, as in §§ 100, 113.

iugulandum. [Cicero chooses a word implying judicial murder: cp. Verr. II. 2. 26, *decretis iugulare*; pro Mil. § 31, *iugulari a vobis* (*iudicibus*).] Compare the metaphor for an accused man, *laqueis legum constrictus*.

c. XI. **deorumne . . . populine . . . vestramne**; rhetorically for *deorumne . . . an . . . an*. Madvig, § 434, Obs. 2. The figure, which is known as anaphora (repetition), should be retained in translating.

§ 30. **quid . . . videtur**: cp. § 118 init.

[**infesta**, 'endangered.' Gellius, N. A. IX. 12. 2, *Infestus et is appellatur, qui malum infert cuipiam, et contra, cui aliunde impendet malum*. Richter.]

ut optet, 'choose:' cp. the subst. *optio*.

cervices dare: cp. pro Mil. § 31, *optabilius Miloni fuit dare iugulum P. Clodio. T. Roscio*, sc. *Magno*, who was present, who had already made his reputation as a *sicarius* (§ 17); unless *Rosciis* should be read, as the *praenomen* is wanting in the MSS.

insutus in culleum, Introd. § 10.

desunt. [Cicero had already (§ 5) said that he is *patronus causae*, 'counsel for the defence;' but he could rhetorically disclaim the title, as not being able to protect the accused by personal weight and influence. 'Though Cicero was *patronus causae*, he will not reckon himself among the *patroni rei* (of the accused), because he was not in a position to defend him by personal weight,' Halm; who however gives no proof of a recognised distinction between *patronus causae* and *patronus rei*. Halm adds:] It is implied in the exaggerated statement *desunt* that many friends of the accused had not ventured to appear with him in court: cp. § 148.

P. 12, § 31. quoniam quidem. The latter word is adversative, 'however;' cp. in Caecil. § 48, *quid in dicendo posset, nunquam satis attendi, in clamando quidem video eum esse bene robustum*. Cp. Nägelsbach, Lat. Stil. § 195 c.

licet hercules. [More commonly *hercule* or *hercle*: cp. *mehercules*, §§ 58, 151,] but Verr. II. 3. 145, *licet hercules omnes omnia dicant*.

certum est: see on § 83.

libenter: in the rare sense of 'according to my inclination,' 'without constraint.' [The common sense is 'cheerfully,' 'gladly.'] Cp. Cic. Parad. v. 34, *qui nihil dicit, nihil facit, nihil cogitat denique nisi libenter ac libere. Licenter dicere*, which has been conjectured, is different, being said only of an extravagant and impudent style of speech.

exsistet, 'will occur.'

[**vim adhibere**, 'have more power over me;' more freq. in the sense of *vim adferre*.]

§ 32. **dissolutus** implies a higher degree of *neglegentia*: cp. pro Quinct. 38, *quis tam dissolutus in re familiari fuisset, quis tam neglegens?*

patrem meum, as in § 145, the so-called rhetor. figure *προσωποποιία*: cp. Cat. 1, § 18, Halm's note.

ut aut iuguletis aut condemnetis, to effect either a direct murder or an indirect one (*i.e.* judicial, through the *iudices*). *Condemnare*, as often, 'to effect a condemnation.' The verbs have no object, but describe in general terms the aim of Cicero's opponents. Kayser well compares Auct. ad Her. IV. § 19, *nam cum istos ut absolvant rogas, ut periurent rogas*; ib. IV. § 48. Cp. below, § 56, *ut significent*.

c. XII. § 33. **C. Flavius Fimbria** (*ultimae audaciae homo*, Liv. Epit. 82), a furious partisan of Marius, who had played a prominent part in the massacres carried on by Marius and Cinna in 87 B.C. In 86 B.C. he was *legatus* to the consul L. Valerius Flaccus, whom the Marian party had sent to Asia to carry on the war against Mithridates and wrest the command from Sulla. Fimbria murdered Valerius and succeeded him in the command. Cp. Liv. Epit. 82. 83; Mommsen, Rom. Hist. III. pp. 306–311.

[**nisi** = 'but,' 'except,' is rare except in negative sentences: here *quod inter omnes constat* = *quod nemo negat nisi*, &c. Cp. Madvig, § 442, Obs. 2.]

Q. Mucius Scaevola, distinguished from the Augur by the title *Pontifex Maximus*: famous for his legal learning, and noted as a teacher of law, as an advocate, and as a man of the strictest integrity. He was murdered in 82 B.C. as a partisan of the aristocracy: cp. Liv. Ep. 86; Mommsen, Rom. Hist. III. p. 336. The orator Crassus says of him (ap. Cic. de Orat. I. 180), *Q. Scaevola, homo omnium et disciplina iuris civilis eruditissimus et ingenio prudentiaque acutissimus et oratione maxime limatus atque subtilis*, &c. He was one of Cicero's teachers.

***locus est* ut**, as in Tusc. IV. § 1. So ut freq. after *tempus est*.

tamen, *etiamsi locus esset*.

[**possunt.** The conjunctive would be used in English; '*could* be said.' Cp. §§ 55, 91, 94, &c.]

diem dixit; i.e. gave him formal notice that on a certain day he would impeach him before the *comitia:* cp. Halm's note on Pro Mil. 36. It is unlikely that the accusation was actually brought. *Accusaturus esset,* 'why he *intended* to accuse him.'

vivere, 'escape with his life.'

commode: see § 9, note.

ut erat furiosus, 'like a madman as he was.'

recepisset, a term belonging to gladiatorial fights. [If the people cried *recipe ferrum,* a conquered gladiator was obliged patiently to receive the deathblow.] Fimbria meant that Scaevola ought to have presented his breast like a gladiator to meet the stroke.

quo, sc. *dicto.*

quae tantum potuit, 'which was of such consequence.' Cicero means that Scaevola's death virtually brought upon the citizens the coming horrors of the civil war, because he, if anyone, was the man to reconcile the hostile parties, [and he wished to do so.] The structure of the passage is far-fetched. Garatoni thinks *tantum potuit ut* a gloss: Heusinger abandons *quae tantum . . . et adflixerit,* and continues, *qui quos servare,* &c.

P. 13. quos . . . iis do not denote the same individuals; [*quos* = the citizen body generally; *ab iis* = certain persons in that body.] 'Because he wished to save the citizen-body, he fell a victim to citizens' fury.' Cp. Tac. Ann. 4. 14, *Coi* (the people of Cos) *cives Romanos templo Aesculapii induxerant, cum iussu regis Mithridatis apud cunctas Asiae insulas et urbes trucidarentur,* sc. *cives Rom. in Asia degentes.*

per compositionem: cp. 136, *componeretur.* [It is not otherwise known that Scaevola wished to mediate between the Marians and Sulla.]

§ 34. **estne** = 'is not?' *Ne* = *nonne;* as in § 66, *videtisne,* and § 113, *itane est?* = 'Is it not so?' These are abbreviated forms, the other clause of the question being understood: *estne* (*an non est?*) *videtisne* (*an non videtis?*)

de manibus: as in § 149, *de manibus erepta.*

[**in Scaevola,** 'in the case of Scaevola;' cp. de Orat. III. 36, *se calcaribus in Ephoro, . . . in Theopompo frenis uti solere.*]

[**Nam, per deos immortales, quid:** cp. ad Q. Fr. I. 1. 10, *Nam quid ego de Gratidio dicam?* Verr. II. 2. 160, *Nam quid ego de Syracusis loquar,* &c. In such places *nam* introduces an additional remark which the speaker wishes to represent as almost

too obvious to be mentioned; and it indicates, not the reason of what precedes (as usually), but the reason why what precedes did not include what is now added. 'Is this to be *endured*? (I do not say, to be treated as a justifiable charge, requiring a defence;) for (*nam*) what is there in the case that needs a defence?' Cp. Long's note on Cic. Lael. § 104.]

quae res . . . contineat, 'on what the whole case rests.' This is described in § 8, *sin aliud agitur nihil*, &c.

quid sequi: cp. § 8, *secuti*, note. [De Invent. I. 22, *certum quiddam destinatur auditori, in quo animum debeat habere occupatum.*]

c. XIII. § 35. This sec. contains the *partitio* (enumeration of topics to be discussed; see de Invent. I. 22).

[**crimen adversariorum,** &c. It is a striking illustration of Cicero's times, that he speaks of the boldness and power of his opponents in the same breath with the charge itself.]

§ 36. [**quid igitur est;** as in § 55, *quid ergo est?* a phrase limiting what has just been said; in sense = *sed.* Richter.] *non eodem modo*, i.e. (*dicam equidem de his rebus sed*) *non eodem modo*, not at the same length, *de omnibus.*

primo quoque tempore, 'at the first opportunity,' 'the sooner the better.'

§ 37. **occidisse . . . arguitur;** the *propositio*, 'allegation,' of the accusers.

[**quod uno . . . complexum.** So Halm; *quo uno . . . complexa esse videantur*, MSS.; in favour of which is the fact that Priscian (8. 16, and 11. 29) quotes the passage so, as an example of the passive use of deponent verbs.]

P. 14. sapientibus, 'philosophers;' *vultu*, 'by the mere expression of countenance.'

cogebant. The construction is as though it were *debebat mori;* Zumpt, § 519, Obs. 1.

§ 38. **exstitit,** 'has appeared.' Halm suggests the pres. *exsistit.*

immanis, as opp. to *humana natura*, 'brutish.' Cp. § 63, *qui tantum immanitate bestias vicerit;* §§ 71, 146, 150.

ad perniciem profligata, 'sunk down into ruin;' [with *ad*, cp. *ad severitatem*, § 85.] Gellius, N. A. XV. 5, notices a change in the use of *profligare*, from 'destroy' to 'finish off,' 'get done:' *aedificia, templa, esse profligata.* So Liv. XXI. 40, *profligare bellum.* [Cp. our 'break the neck of,' 'knock off,' &c.]

obiciendi causa, 'by way of a slanderous reproach,' as it was the custom for accusers to do. Cp. pro Murena, § 11, *trium partium (accusationis) prima ita fuit infirma et levis, ut illos lex magis quaedam accusatoria quam vera maledicendi facultas . . . dicere coegerit.* [Pro Cluent. § 23, *doce quid non modo in criminis, sed in maledicti loco sit obiectum.*]

c. XIV. § 39. **qui** (= *qualis*) **homo?** Cicero proceeds to show that the former life of Sex. Roscius afforded no ground for believing him guilty; a line of argument termed *probabile ex vita* by the rhetoricians. It continues through § 39.

annos natus maior quadraginta. As *natus* itself could not be compared, *natus maior* (*minor*) was said, and the number of years subjoined either in the abl. (Verr. II. 2. 122, *ne qui minor triginta annis natus*) or in the accus., *quam* being omitted as after *plus* (*amplius*) and *minus*). For a third form without *natus*, cp. § 100, *minorem annis sexaginta.* Madvig, § 306, Obs. 1.

ne in convivio . . . interfuisse. Erucius' own statement was less sweeping: cp. § 52.

cupiditate, 'avarice;' *officio*, 'observance of duty,' i.e. of moral duty: cp. § 27, *officii*, note.

§ 40. **obiecit**; used of feelings which mislead or confound: *obicere errorem, rabiem, metum*, &c. This section begins the *probabile ex causa*, i.e. the inquiry whether the accused had any motive for committing the crime laid to his charge.

iustam, 'adequate.' [*Eam quoque*, that secondary cause, no less than the primary one.]

P. 15. necessariis, 'cogent.'

§ 41. **eodem**, to the *probabile ex vita*, to look for proofs for the statement *patri non placebat.*

unico filio: cp. Verr. II. 1. 104, *is cum haberet unicam filiam.*

is with an emphasis: 'he especially.'

constantissimus as opposed to *amens. Constantia*, steadiness of character, was the effect of *sanitas animi*, the opposite of which is *insania:* Tusc. III. 9, *sanitatem animorum positam in tranquillitate quadam constantiaque censebant (philosophi).*

c. XV. § 42. **praedia rustica**, estates in the country, as opposed to *praedia urbana*, which lay in the precincts of the city.

relegarat. Roman history gives various instances of this kind of penalty: the best known is that of L. Manlius Imperiosus, dictator B.C. 363: Cic. de Off. III. 112, *criminabatur etiam* M. Pomponius trib. pl.) *quod Titum filium, qui postea est*

Torquatus appellatus, ab hominibus relegasset et ruri habitare iussisset.

[**quod . . . idem**; i.e. the same difficulty which met Erucius, &c., occurs to me, &c. The next sentence describes it.]

§ 43. **fructuosa**: cp. Tusc. II. 13, *ager quamvis fertilis sine cultura fructuosus esse non potest.*

tuenda; usually the duty of the *villicus*.

illius ordinis, that to which Sex. Roscius belonged, viz. that of the *rustici Romani*, who managed their estates themselves: *rusticanis*, 'devoted to agriculture.' Cp. Verr. II. 1. 127, *an vero dubitamus, quo ore iste ceteros homines inferiores loco, auctoritate, ordine, quo ore homines rusticanos ex municipiis . . . solitus sit appellare?*

§ 44. **in agro**, 'out in the fields.'

aleretur, 'should get his food,' like a dog kept to guard the house.

ad villam, a colloquial term for *in villa*: cp. pro Tullio 20, *dominum esse ad villam.* Verr. II. 4. 47, *apud villam.* Ter. Andr. IV. 4. 6, *quid turbae apud forum est?*

certis fundis frui, 'have the full enjoyment of certain estates.' [This would be an honourable privilege, since] it was one of the rights of *patria potestas* that the son could acquire or hold no property on his own account, unless the father handed over to him a *peculium* or private possession; though the father could withdraw even this whenever he pleased.

P. 16. rusticana to be joined with *relegatio*: cp. § 46, *rus relegasse*; with *vita* we should have *rustica*, as in §§ 48, 75.

[**amandatio**, a ἅπαξ λεγόμενον.]

§ 45. **usque eo non**, 'so little,' = *adeo non*; for either of which *tantum abest ut* could be said.

[**quod arguas**, 'what you can allege in proof:' cp. *criminaris* above, 'allege in accusation;' Verr. II. 3. 37, *defendere* = 'allege in defence.']

contra consuetudinem, because you represent as *novum* what is done *consuetudine*, § 44: *contra opiniones om.*, because no one thinks it an exile when a son is sent by his father to take charge of the property.

c. XVI. At enim ['But you will say']. Having shown so far that the '*ruri esse pati*' implies no ill feeling *in itself*, Cicero now shows that none need be inferred from a contrast with the treatment of the other son.

, what I am going to say. [So § 47, *illud*, of what].]

6. **certo**, 'known as such.'—

animus patrius. Erucius might have known a father's s in his own person, and to appeal to him as a father have been Cicero's most obvious course. But the hit parentage serves Cicero as an excuse for the allusion to medy. [*Qui animus . . . esset*, after *posses:* note the ce of tenses; we should say, 'what *is* the disposition of ,' &c.]

manitatis; often nearly = *doctrina*, in the sense of 'high ;' but here in contrast to *doctrinae*, = 'human feeling.']

parum = *satis:* cp. § 49, *parum miseriae.*

lium doctrinae, 'taste for learning.' Cicero allows this opponent, because he is about to allude to a *fabula.*

idem, 'really:' cp. Ter. And. v. 3. 4, *Ain tandem?* lon't say so!']

cilianus. Caecilius Statius was a famous comic poet B.C. 168?), placed by some critics above Plautus himself: lcatius Sedigitus, ap. Gellius, N. A. xv. 24, *Caecilio n Statio do mimico: Plautus secundus facile exsuperat* The play here alluded to was an adaptation of der's Τροβολιμαῖος (Subditivus) ἢ Ἀγροῖκος. Probably er was introduced with two sons, of whom one was ititious, the other true-born, which latter son the father to be brought up in the country.

ychus from Εὔτυχος, a rare form of Εὐτυχής. Plautus e form *Eutychus* in the 'Mercator.'

opinor: Cicero disclaims accurate knowledge of such

erum in urbe, &c. We may suppose that those who had e play would at once feel the absurdity of such an idea.]

7. **quasi vero**, &c., like the English 'As if it would icult!' abbreviated for 'You speak as if it would be,' &c.

ules. 'The Romans did not say *contribules, concives* λῖται), for men of the same tribe or city, but *tribules, cives. niceps*, §§ 87, 105. Cicero as a citizen of Arpinum belonged *tribus Cornelia;* see Liv. XXXVIII. 36.' Osenbrüggen.

17. homines notos, 'men personally known (to myself ers);' a vague expression, contrasted with the '*homines* of the play, but taken up in a different sense in *cum . . . magis notus futurus sit.*

cum . . . incertum [sit . . . futurus sit . . . intersit. C the three clauses governed by *cum*, only the first gives a reaso for '*odiosum est*,' so that the other two logically should hav been independent. [Perhaps they were joined to *cum* a explaining some such idea as *inutile est*, suggested in *odiosu est*.]

agro, 'district.' The *ager Veieus* is frequently mentioned the fame of the city itself did not survive its capture by Rom Cp. Florus, I. 6. 11, *Hoc tunc Vei fuere: nunc fuisse quis memi nit? quae reliquiae? quod vestigium? laborat annalium fides, u Veios fuisse credamus* ['it is as much as the authority of record can do, to make us believe,' &c.].

[**in alienis personis**, 'in the characters, parts, of others.']

expressam, the technical term for figures moulded or sculp tured to represent the full bodily form, as opposed to *imagine adumbratae*, sketches on a flat surface: hence *expressus* figura = 'true to nature, lifelike.'

§ 48. **age nunc** marks a transition, as in §§ 93, 105, 108 *refer* forms the protasis to *intelleges*: cp. § 83, *desinamus*.

sis, a colloquialism for *si vis*, as in pro Mil. 60, *cave s mentiare*.

ad veritatem as opposed to *fabulae*.

in Umbria, where Ameria was situated: *his veteribus mun cipiis*, i.e. in Latium, as opposed to those more distant i Umbria.

c. XVII. **ipsi** = *sua sponte*, as opposed to *patrum voluntate et* answers to *que* after *vitam*, for which see Cat. II. 28, Halm note.

§ 49. **quid censes . . . quo studio**, &c.; see Zumpt, § 76 ['By a kind of attraction, *quid* which introduces the question joined in one clause with *quo studio censes*: cp. de Off. II. 2 *quid censemus . . . Dionysium quo cruciatu timoris angi solitum* Richter.]

[**callidior**: Richter compares de Nat. Deor. III. 25, *callid appello, quorum, tamquam manus opere, sic animus usu co calluit . . .*.]

his propinquis; i.e. those who were present as *advocati*, § 1.

artificio, 'handicraft;' *accusatorio*, 'of accuser:' cp. de Im Pomp. 61, *senatorius gradus*, 'rank of a senator.' In such cas the English substantive in the genitive is most frequent represented by a Latin adjective; cp. Nägelsbach, Lat. St § 20. 2.

licebit, ironically for *debebit;* ['as if it were a burden to be laid down,' Richter.]

[**hanc calamitatem,** the loss of *vita et fama.*]

P. 18. fraudi, 'harm, prejudice,' since his living in the country was to serve as a proof of his father's aversion to him. In this sense *fraus* is only found in the constructions *res est fraudi* and *sine fraude,* as in the phrase *quod sine fraude mea fiat.*

[**aliis,** his enemies.]

c. XVIII. § 50. **Ne tu:** *ne* is rarely found in the best writers without a personal or demonstrative pronoun. The spelling *nae* is contrary to the MSS.

[**esses,** and **iudicares** below: in English, 'you would have been,' 'would have judged.' Cp. § 51 sub fin., *posset,* 'could have done;' § 102, *poneret.*]

Atilium, supposed to be C. Atilius Regulus, surnamed Serranus, consul B.C. 257 and 250: to be distinguished from his more famous relative M. Atilius Regulus, who died a captive in the hands of the Carthaginians. The surname is found on coins as Sarranus, whence some derive it from the town Sarranum in Umbria. But see Plin. N. H. XVIII. § 20, *serentem invenerunt dati honores Serranum, unde ei et cognomen:* [cp. Virg. Aen. VI. 845, *te sulco, Serrane, serentem.*]

aliter existimabant: cp. Plin. N. H. XVIII. § 11, *agrum male colere censorium probrum iudicabatur, atque ut refert Cato* (de Re Rust. praef. § 2), *cum virum bonum agricolam bonumque colonum dixissent, amplissime laudasse existimabantur.*

de ceteris, as C. Quinctius Cincinnatus, M'. Curius Dentatus.

itaque, 'and through such principles.'

quibus rebus, 'by which qualities,' i.e. industry and contentment.

§ 51. **eo . . . quo,** 'on the ground that,' [of a reason which is not the true one:] cp. pro Quinct. 5, *non eo dico, C. Aquili, quo mihi veniat in dubium tua fides.* In such passages critics formerly wished to substitute *quod* for *quo;* but see Zumpt, Latin Grammar, §§ 536, 537.

summi viri refers to their position in the State; *clarissimi homines,* to their moral excellence (in that *non alienos agros cupide adpetebant*): this is shown by the collocation of the substantives. With *clarissimus, vir* is usually found, not *homo.* Similarly pro Rosc. Com. 42, *quem tu si ex censu spectas, eques Romanus est, si ex vita, homo clarissimus est.*

[**debebant**, 'were called upon.'

ei homini, 'a man.'

se fateatur esse rusticum, in contrast with those who *ad gubernacula rei p. sedere debebant.*]

assiduus: see § 16, note on *frequens.*

§ 52. **immo vero** gives an affirmative answer where a negative would be expected. With this sentence the second point in the *probabile ex causa* (see § 40) is entered on.

audio, 'that I will listen to:' cp. Verr. II. 3. 79, *non audio*, 'I will not hear it.'

P. 19. illa refers to what follows, and is contrasted with *aliquid* just before.

quippe, 'of course,' as in pro Mil. 47.

in oppidum, 'into a town;' not *the* town (of Ameria), for his father was not usually there.

domum suam . . . vocabat; i.e. he was universally unpopular, which would account for his father's disliking him. *Vocabat*, sc. *ad cenam*; so καλεῖν alone.

revocaturus esset, 'was in a position to invite them in return.'

c. XIX. **quod coepimus**, sc. *videre.*

§ 53. **exheredare**, &c.; the thesis of the second point in the *probabile ex causa.*

mitto quaerere = *non quaero*: cp. pro Quinct. 85, *mitto illud dicere.*

[**qui scias**, how you know the *fact*, as opposed to the cause of it.

id erat, 'would have been,' in English: cp. § 91, *possum*, note.]

certi accusatoris, 'genuine, sincere;' the opposite to *calumniator*, § 55. So Div. in Caec. § 29, *accusator firmus verusque* as opposed to *praevaricator.*

[**vinceret . . . eiceret . . . obliviscerétur**, &c.; sc. **in disinheriting his son.**]

§ 54. [**concedo**, 'I permit;' **concedis**, 'you admit, confess:' cp. § 8, note on *peto . . . petat.*]

ea praetereas; *ea* = the *causes* of the father's intention to disinherit the son: *nulla esse*, 'not to exist at all;' see § 123.

[**voluisse exheredare**, the *fact* that he wished, &c.]

qua re, 'on the strength of which.'

[**vere** with an emphasis, as opposed to *finge*.

illudere, sc. by alleging what he does not profess to be able to prove. With the dative *dignitati* cp. § 55, *illudamur*: this shows the two constructions.

quis prohibuit: this question is evaded by the opponent, who reiterates *cogitabat*, sc. *exheredare*.]

maiestate, vested in the *iudices* as representatives of the *populus Romanus*.

ad libidinem ['at the bidding of gain and desire;' i.e. desire for gain. *Ad*, as in such phrases as *ad voluntatem*, *ad nutum*, *ad arbitrium*, &c.].

P. 20, § 55. inimicitias nullas esse: Cicero admits that no personal enmity prompted Erucius to accuse Sex. Roscius. Cp. Lysias, Eratosth. § 2, *τουναντίον δέ μοι δοκοῦμεν πείσεσθαι ἢ ἐν τῷ πρὸ τοῦ χρόνῳ. πρότερον μὲν γὰρ ἔδει τὴν ἔχθραν τοὺς κατηγοροῦντας ἐπιδεῖξαι, ἥτις εἴη πρὸς τοὺς φεύγοντας, νυνὶ δὲ κ.τ.λ.* [i.e. formerly it was taken for granted that an accuser was prompted by personal enmity against the accused, and he was even required to state the grounds of it; but now the case is different, &c.]

huiusce pecunia: cp. § 30.

Quid ergo est: cp. § 2, note.

ita, in a limiting sense, as in *verumtamen hoc ita est utile*, below; *tamen*, i.e. even allowing that to be a proper motive, yet, &c.

horum existimationem, the opinion the jurors will form about you.

legem Remmiam, '*qua qui calumniabatur damnabatur, si crimen adprobare non poterat.*' [It is not known by whom or when the law was passed.] An accused person could apply for a *calumniae iudicium* against his accuser, before his trial ended; if he was acquitted, the same jury which had tried him decided the case of the accuser, who, if found to have knowingly urged a false charge (*calumniari*), was branded on the forehead with the letter K (*kalumniator*), and lost the right of acting again as accuser.

c. xx. **Accusatores.** [There was no public official accuser at Rome; it was left to private persons to prefer the accusations in criminal trials, and if they proved their case they were rewarded. Hence in the bloody times of the republic accusation amounted to a trade for earning a livelihood; accusers were

hired, as in the present case (§ 55); even clubs or associations of accusers were formed.]

ut ne, in sense = *ut caveatur ne;* ['provided that we are not,' &c. Cp. ad Fam. XVI. 9. 3, *sed tamen ita velim, ut ne quid properes.*] See Madvig, § 456, Obs. 3.

abest a culpa; as in § 95, *longe absum ab eius modi crimine.*

tametsi . . . ignoscere forms the apodosis to the protasis *innocens . . . non caret*, though in form the two are co-ordinate. For the position of *tamen*, cp. Phil. II. § 39, *homines, quamvis in turbidis rebus sint, tamen*, &c.

possum: see § 91, note.

criminose ac suspiciose, 'so as to imply guilt and arouse suspicions:' cp. § 76, *argui suspiciose;* Brut. 131, *qui suspiciosius aut criminosius diceret, audivi neminem.*

calumniari: see above on *legem Remmiam.*

[**sciens**, 'knowingly;' *scienter* would mean 'cleverly.' There is a similar difference between *prudens, imprudens feci* and *prudenter, imprudenter feci.*]

§ 56. [**absolvi**, i.e. (to be accused and) acquitted.] ***causam non dicere*** here = *reum non fieri;* see on § 5.

anseribus: cp. Plin. H. N. X. § 51, *est et anseri vigil cura* (i.e. the goose is a wakeful bird), *Capitolio testata defenso, per id tempus cantu silentio proditis rebus; quam ob causam cibaria anserum censores in primis locant.*

locantur, the technical term for letting out contracts for purposes of state.

significent, absolute, 'make a sign, give warning.'

ut fures intern. non possunt. Cicero anticipates the objection: 'It is true they cannot distinguish thieves; but yet (*tamen*) they give a sign,' &c.

[**tametsi bestiae sunt**, &c., i.e. though they are brute creatures, they err on the side of caution; they are cautious to a fault.]

salutatum = *veneratum.*

§ 57. **est ratio**, 'the case is the same with.' The whole comparison is somewhat tasteless, especially as it fails in several points: [e.g. the geese were not kept to guard the Capitol, but by way of reward (cp. *sacri Iunonis*, Liv. v. 47); and accusers were not officially paid by the State.]

cibaria answers to the money given to Erucius by Magnus and Capito, §§ 30, 55, 58.

P. 21. commisisse, absolute, 'has been guilty of a crime;' unless *aliquid* has fallen out from confusion with *aliquem*, as Hotoman conjectured: cp. § 67.

in suspicione, and **sine suspicione** below, interpolated by some commentator who wished to distinguish the different occasions of *latrare*. On *latratote* see § 19, *iudicatote*, note.

litteram illam, viz. K (see above on *legem Remmiam*), which letter was also an abbreviation for *Kalendae*, the day on which interest was paid. [Cp. Hor. Sat. I. 3. 87, *cum misero tristes venere Kalendae.*]

neminem; the *calumniator* besides being branded incurred *infamia*, and could not act again as accuser.

fortunas suas accusare was said proverbially of those who suffered through their own fault. In the sense of 'fortunes, destiny,' the singular is more common; cp. pro Sulla, § 66, Halm's note.

c. XXI. § 58. Here the digression on the *accusatores* ends. With the question *quid mihi*, &c., Cicero recalls the subject of c. XIX., the contents of which are recapitulated in the form of *altercatio* (opposed to *perpetua oratio*: see on pro Sulla, § 48). Cp. § 94.

ad defendendum, 'as subject matter for my defence:' [*ad suspicandum*, 'as ground for suspicion.']

audio, different from *audio* in § 52; here in the sense 'I hear you *say* so, (but I want proofs.)'

nihil est, 'there is no reason;' [join with *unde venerit*, 'from which it may have occurred to you,' &c. *Nihil est* is reiterated in *non . . . non*; '. . . not a word as to whom he conferred with, whom he informed of his intention . . .' &c.]

fraudem, i.e. the false accusation.

§ 59. [**operae pretium erat**, literally 'it was worth while, if you observed;' we should say, 'It would have been worth your while to observe.']

credo, not ironically, but in jest; 'I cannot help thinking that he must have inquired,' &c.

[**quaesisse**, without *eum* as subject; see Madvig, § 401, and cp. §§ 61 *venisse*, 74 *fecisse*, 97 *audisse*, 84 *paratum esse*, 100 *proditurum esse*, 126 *occisum esse*. Halm notices the last three as instances of the rare omission of the subject where there is a separate predicate (*paratum*, *proditurum*, *occisum*).]

in hisce subselliis, as *advocati* of the accused: cp. § 12, note *on hic in foro.*

causam publicam: see Introd. § 1, note 1.

P. 22. cenam imperaret, as if the trial would soon be over.

consessu, the jury; **conventu**, see § 11 in init. *Pro summa solitudine = quasi esset summa solitudo.* Cp. Verr. II. 1. 113 *nos si alienam vicem pro nostra iniuria (= perinde quasi nobis iniuria inlata esset) doleremus, vestigium istius in foro non esse relictum.*

c. XXII. § 60. **surrexi ego**; the last word is emphasized 'it was I, none of the *summi oratores nobilissimique viri* (§ 1 who arose.'

usque eo goes with *iocari*, and by a confusion of constructions is correlative with *antequam*; either *usque eo . . . dum* *antea . . . quam* would be expected.

alias res agere, i.e. 'pay no attention.'

vexari pessime, 'was being very roughly handled.'

§ 61. **commode**, § 9.

quem dedi . . . vides iudicare, explanatory of the previous clause, and forming a kind of parenthesis, as if it were, *quem enim dedi*, &c. Hence the punctuation.

[**quos**, i.e. the *iudices: iudicare*, 'are sitting in judgment,' i.e. weighing both sides, not betraying one.]

restitue nobis, &c. ['Show us once more that old acuteness and foresight of yours.'] Cicero says jestingly that Crucius could only re-establish his reputation by confessing that he had rested his case on such slender proofs, because he expected no opposition. On *venisse* without *te*, cp. § 59, note.

latrociniam, an act of robbery, a crime: [or concrete, 'a band of robbers;' so Richter.]

§ 62. **de parricidio causa dicitur**, &c. An instance of a *universi generis oratio*, or statement in general terms; Greek *θέσις*. ['A charge of parricide is being preferred: yet no reason is given by the accuser why the son should have murdered the father.'] See Cic. Topica, § 79; Orator, § 46; and cp. de Imp. Pomp. § 28 sqq.

his levioribus; *his* implies 'these that we all know so well.'

P. 23. [**neque levi coniectura res penditur**, 'is not weighed by means of careless conjecture;' i.e. mere guesswork does not influence the decision.]

[**incertus**, 'untrustworthy,' whether as to his knowledge of the facts, or as to the chance of his telling the truth.]

ingenio, according to the accuser's ability, according as he has framed his accusation well or ill.

[**Haec cum sint omnia**, 'though all these circumstances be present.'

expressa sceleris vestigia, 'the footprints of the crime:' cp. § 47, note.]

per quos, 'by what agents:' cp. §§ 74, 79.

§ 63. **portentum atque monstrum**, and **immanitate** below; cp. § 38: *esse aliquem*, 'that a creature should exist.' On *aliquem*, see Madvig, § 494, Obs. 2.

propter quos: see § 16, note.

educatio: cp. de Fin. III. 62, *etiam in bestiis vis naturae perspici potest; quarum in fetu et in educatione, laborem cum cernimus, naturae ipsius vocem videmur audire.*

c. XXIII. § 64. **Tarracinensem**, of Tarracina, the ancient Anxur, a town in Latium in the Volscian territory.

servus quisquam: *quisquam* is used, as here, adjectivally only with substantives denoting persons (as §§ 74 *cum homine quoquam*, 94 *quemquam sicarium*) or classes of persons (as Verr. II. 2. 7, *cuiquam ordini*); not with those denoting inanimate objects.

id aetatis [= *ea aetate*, as *id temporis* = *eo tempore*], placed first for emphasis; the sons were not children, but youths.

suspiciosum autem, 'merely *suspicions*, did I say? that neither of them noticed it?' (implying that such a statement was not merely suspicious, but a clear sign of guilt.) From numerous errors in the MSS. Halm thinks that some words may have dropped out before *neutrumne*. On *autem* correcting an inadequate phrase, cp. Or. in Pis. fragm. *Quod minimum specimen in te ingenii? ingenii autem? immo ingenii hominis ac liberi?*

P. 24. se committere, 'to venture into.'

defendere, absolute, 'give protection.'

§ 65. [**non modo** = 'not only not,' the second *non* being omitted because the common verb *possunt* is in the second clause; when it is in the first, as § 137, *id non modo re prohibere non licet, sed ne verbis quidem vituperare*, or when there are two verbs, as § 54, *quod planum facere non modo non possis, verum ne coneris quidem*, the second *non* is added. Richter.]

c. XXIV. § 66. **videtisne**: see § 113, note on *itane est.*

quos, Orestes and Alcmaeon, known to the Romans as matricides through the plays of Ennius, Pacuvius, and Attius.

cum praesertim, 'and that though;' i.e. 'when, which makes it the more remarkable:' cp. Brut. 267, *M. Bibulus, qui et scriptitavit accurate, cum praesertim non esset orator.* [See Prof. Wilkins on Cic. Cat. III. § 28, and Halm on pro Sulla § 6.]

deorum immort., sc. Apollo, the προφήτης of Zeus, who commanded them through oracles to avenge their fathers.

pii, towards their fathers.

necessitatem, 'restraining force;' **religionem**, 'sanctity,' which should protect them from injury.

§ 67. **nolite putare**, &c.: cp. Cicero's later expression of the same thought, in Pisonem, § 46, *nolite enim putare, ut in scaena videtis, homines conscleratos impulsu deorum terreri Furiarum taedis ardentibus: sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat; hae sunt impiorum furiae, hae flammae, hae faces.* [The original passage appears to be Aeschines in Tim. 180.]

sua quemque: the asyndeton enforces the antithesis between this and the last clause.

fraus, 'sin, evil deed;' **terror**, i.e. the fears of a guilty conscience, [= *angor conscientiae*, de Leg. I. 40.]

conscientiae, stings of conscience; for the plural cp. Parad. § 18, *te conscientiae stimulant maleficiorum tuorum.*

domesticae ['belonging to their home,' i.e. familiar, abiding; perhaps at the same time implying πατρὸς ἢ μητρὸς Ἐρινύες].

P. 25, § 68. manifestum. Gellius, N. A. XI. 18. 11, *manifestum furtum est, ut ait Masurius, quod deprehenditur dum fit.*

praerupta, literally 'broken off suddenly:' i.e. headlong, impetuous. [Cp. Tac. Ann. XVI. 7, *iuvenis animo praeruptus.*]

accedat, &c.: *odium parentis* would come under the head of *probabile ex causa* (see § 40); *amici improbi* and what follows would be the *signa et argumenta* of the crime: see note on *esto*. § 73, and cp. § 62, *exstent oportet expressa sceleris vestigia, ubi, qua ratione, per quos, quo tempore maleficium sit admissum.*

crediturі sunt, 'are to believe:' for this use of the future part. with *sum* cp. de Fin. II. 26, *si veri amici futuri sumus*, 'if we are to be true friends.' See Madvig, § 341, Obs.

§ 69. **itaque.** [Halm says that this word refers to *singulare*

upplicium invenerunt, and refers to his note on de Imp. Pomp. 2, *ita neque hic locus*, &c., which see. But in the present nstance *itaque* can surely be taken in the obvious way with *x hac re (potest)*.]

c. XXV. **multis ex rebus**: we should say, 'from many other ings;' Verr. II. 4. 174, *cum multa, tum etiam hoc me memini icere.*

§ 70. **dum ea rerum potita est**, i.e. as long as it held the ıpremacy among the Greek states: cp. ad Fam. v. 17. 3, *et in ıstra civitate et in ceteris, quae rerum potitae sunt* (i.e. have had ›minion over other *civitates*). For the rare sense of *potior*, 'to ' in possession of,' cp. Cic. Acad. pr. II. 126, *Cleanthes Solem rminari et rerum potiri putat;* Val. Max. IX. 15. 5, *Sulla rum potiente*, 'during Sulla's supremacy;' Tac. Ann. II. , &c.

hodie quoque utuntur. Though Greece was at this time Roman province, Athens as a *libera civitas* [Ramsay, Rom. ıt. p. 190] enjoyed autonomy.

admonere, 'bring to mind,' 'suggest the idea.' Cp. pro llio, § 9, *quod enim usu non veniebat, de eo si quis legem t iudicium constitueret, non tam prohibere quam admonere leretur.*

[Quanto nostri maiores, &c. With the fine passage which lows cp. the extract from Sheridan given as a parallel ssage in Nixon's Latin Rhetoric.]

supplicium singulare: see Introd. §§ 10, 11.

P. 26, c. XXVI. § 71. **ex rerum natura**, 'out of the world;' denying him the four elements (*coelum, solem, aquam, terram*), : *quibus omnia nata esse dicuntur.*'

scelus, concrete, 'horror, abomination.'

uteremur, 'we should find:' cp. Dem. Olynth. I. § 9, *εἰ τότε ηθήσαμεν αὐτοῖ, φάνι καὶ πολὺ ταπεινοτέρῳ νῦν ἂν ἐχρώμεθα Φιλίππῳ.*

sic nudos, 'naked as they are,' i.e. in their natural nakedness: Liv. II. 10. 11, *sic armatus (Cocles) in Tiberim desiluit.*

ipsum. [Cp. Macbeth, II. 2:

> 'No, this my hand will rather
> The multitudinous seas incarnadine,
> Making the green one red.']

[violata, i.e. defiled by crime.]

expiari putantur; so Iphigenia seeks to purify her brother

Orestes with sea-water, since *θάλασσα κλύζει πάντα τἀνθρώπων κακά*, Eur. Iphig. Taur. 1193.

§ 72. **vivis**, &c.: the substantival use of adjectives, which is most common in the plural, is especially found in an enumeration of several adjectives, as here: cp. Zumpt, § 363.

nunquam adluantur, 'may never be washed, touched.' *Abluantur* is also read.

ad saxa, the hardest kind of resting-place. Cp. Introd. § 10.

diligentius paratiusque: cp. Brut. 241, *is ad dicendum veniebat magis audacter quam parate;* Phil. II. 79, *invectus est copiosius multo in istum et paratius Dolabella quam nunc ego.* Usually Cicero does not use the adverb, but says *paratus aliquis ad dicendum venit;* but here *paratius*, corresponding with the preceding adverb *diligentius* (= *diligentius meditatus*); and similarly in the passages quoted.

venisses, not 'you would have come,' but 'you ought to have come,' = *venire debuisses.* Cp. pro Sest. 45, *restitisses, repugnasses, mortem pugnans oppetisses;* Ib. 54; pro Sulla, 25. See Madvig, § 351, Obs. 4.

§ 73. [**neminem ne . . . quidem**: see § 22, note in fin.]

P. 27, c. XXVII. **Esto**, 'Be it so,' marks the transition from the *probabile ex vita* (§ 39) and *probabile ex causa* (§ 40 sqq.) to the particular *argumenta et signa*, i.e. the evidence bearing directly on the crime. Cp. Verr. II. 5. 43, *esto: nihil ex fugitivorum bello laudis adeptus es: at vero*, &c.

vicisse debeo, 'ought to have gained the victory;' i.e. though my victory ought to be an accomplished fact at once.

non quaero . . . quaero. For the absence of the adversative particle, cp. § 1, note; § 53, *mitto quaerere . . . quaero.*

meo loco, i.e. *nunc cum meus est dicendi locus;* Greek *λέγε ἐν τῷ ἐμῷ ὕδατι.*

§ 74. **ipsum**, sc. *percussisse.* **Romae non fuit**, abbrev. for *respondeo eum Romae non fuisse.*

si per liberos, wanting in the MSS.; but the words are indispensable, since here Cicero begins discussing the latter of the two alternatives, *servosne an liberos;* the other follows in § 77, *reliquum est ut per servos id admiserit.*

ubi eos convenit. Auct. ad Her. II. § 8: *Argumentum est, per quod reus coarguitur certioribus argumentis et magis firma suspicione. Id dividitur in tempora tria: praeteritum, instans,*

nsequens. In praeterito tempore oportet considerare, ubi fuerit, i visus sit, quicum visus sit; num quid adpararit, num quem venerit.

qui conlocutus est, 'how did he confer with them;' [not cessarily implying 'by word of mouth,' as we find *colloqui r litteras, per internuntios.*]

unde = *a quo,* 'through whom.' ['The Romans frequently id debts, as in modern times, by orders on bankers, *argentarii:* transaction expressed by the phrase *scribere* or *solvere* **ab** *ientario,* 'to write an order for payment *through* or *on* a iker.' Ramsay, Rom. Ant. p. 271. Hence the phrases *dare,* vere, *numerare ab aliquo.*]

caput, 'origin, source.'

nunquam cum homine quoquam, an exaggeration; see § 52 fin.: § 76 is more exact, *qui nunquam inter homines fuerit.*

[**constitisse** = *moratum esse;* Verr. I. 1. 101, *qui Romae triduum constitisset.*]

§ 75. [**praetereo illud,** &c. Richter remarks that the monplace about the innocence of a rustic life is put into the n *praeteritio* (see § 106), being really of little value as evice, in spite of Cicero's *quod mihi maximo,* &c.]

inculta, 'uncivilized.'

P. 28. omnia, 'of every kind.'

[**agrestem,** 'boorish, wild:' cp. § 74, *hunc hominem ferum ue agrestem fuisse.*]

diligentiae, 'economy.' [Cp. Auct. ad Her. IV. 35, *diligentia est accurata conservatio suorum. Magistra,* 'teacher.']

c. XXVIII. § 76. [**tam occultum,** since even the accuser had hing to say as to the particular circumstances under which it committed.]

suspiciose, 'so as to arouse suspicion:' cp. § 55 sub fin.

suspicio: cp. § 8 in init.

causa dicitur: see § 5, note.

§ 77. **reliquum est,** the other alternative of the dilemma: § 74, note on *si per liberos.*

at: see § 28, first note.

in quaestionem, here = 'for examination under torture.' evidence of slaves was only taken under torture in Rome.

polliceantur. It was forbidden, except in special cases (cp. *Mil. § 59),* to examine slaves in order to elicit evidence

against their masters; but the master could *offer* his slaves voluntarily for examination.

unus puer . . . relictus non est, instead of *ne unus quidem puer relictus est*, as would be expected, in order to bring *unus* as the first word into sharper contrast with *omnes servos*. Cp. de Prov. Cons. 7, *nisi C. Vergilius intervenisset (spoliationi Byzantii), unum signum Byzantii ex maximo numero nullum haberent;* below § 102, *ut in minimis rebus . . . non dicerent.*

P. Scipio, supposed (though with very little certainty) to be P. Cornelius Scipio Nasica, a grandson of Scipio Nasica Serapio (who killed Ti. Gracchus), and son-in-law of the orator L. Crassus, praetor 94 B.C.

Metelle. If M. (as supplied in Halm's text) is the true initial wanting in the MSS., M. Metellus, the brother of Q. Metellus Creticus, may be meant, who was praetor B.C. 69.

advocatis . . . agentibus, i.e. they were present to support his claim and act for him (see § 1) when he made the application. Similarly the examination itself had to be performed *privatim*, in the presence of friends and witnesses; cp. pro Cluent. § 176.

T. Roscium, sc. *Magnum* (cp. § 119), to whom as bailiff of Chrysogonus the demand was addressed.

P. 29, § 78. [ne quaerendi . . . permittitur, sc. by the refusal of Magnus to surrender the slaves for examination. *Quaerere* or *quaestionem habere de morte alicuius* = to hold an investigation into a person's death; cp. pro Cluent. l. c.]

[**in caede,** as *sicarii;* **ex caede,** as *sectores*. Richter.]

erit in sense = *licebit esse*, 'is he not to be.'

dum: see Madvig, § 360, Obs. 2.

ad hunc locum: see § 19.

c. XXIX. § 79. **conveniat mihi,** &c., recapitulation of the last two chapters.

id quod negas. Cicero could now assume this [as he had disposed of the hypothesis *ipsum fecisse* by the words *Romae non fuit*, § 74], and as Erucius had not taken advantage of the permission there given him to make objections.

[**ut potuerit**: *ut* = 'how;' cp. ad Att. I. 16, *credo te audisse ut me circumsteterint.*

temere, 'without reason,' as in § 62.]

***servorum* nomen,** 'the mention of slaves,' in sense = *ut nominares servos*. The substantive is chosen to suit the following words, *quo quasi in portum*.

[**reiectus a ceteris suspicionibus.** The last word seems to be ısed loosely; we should say, 'ways of rousing suspicion,' or the ike. Cp. *suspiciose dicere*, § 55, in the same sense. Similarly ı Sall. Frag. ap. Non. II. 900, *multis suspicionibus volentia plebi ıcturus videbatur*, our word 'suspicions' will hardly express ıe Latin substantive; cp. above § 28, *in qua re nulla subesset ıspicio.*]

scopulum: see the first six lines of § 120.

P. 30, § 80. vulgo, 'frequently, as an every-day occurıнce.'

una mercede duas res adsequi. For other forms of the roverb cp. ad Fam. VII. 29. 2, *duo parietes de eadem fidelia* (pot f paint) *dealbare;* [Plauti Casin. II. 8. 40, *iam ego uno in saltu pide apros capiam duos;* and the English equivalent. *Una ercede* is abl. of price.]

pervertere, 'to overthrow, ruin:' **accusare autem eos ipsos,** c., because, as Cicero proceeds to show, the arguments of rucius tell against his own side.

per quos et a quibus: cp. § 97, *quoniam cuius* **consilio** *occisus ' invenio, cuius* **manu** *sit percussus non laboro.*

nonne cogitas. [A question with *nonne* sometimes expresses, t the conviction that a thing is, but surprise that it is not; if *non* stood in the place of *nonne*. So *nonne cogitas* is not)o you not think?' but 'Do you not-think, do you forget?'). Tusc. I. 17, *quid, si te rogavero aliquid, nonne respondebis,* ill you make no reply?' de Finn. v. 86, *nonne igitur tibi lentur, inquit, mala?* 'do you think they are *not* evils?' .t. I. 1. 27.]

sectoribus, and below, **sectores collorum et bonorum:** see trod. note 23.

Quid postea? 'What then? What follows?'

[**nescisne per ista,** &c.; i.e. 'the *sectores bonorum*, such as rysogonus, Magnus, and Capito, were usually also the *sectores lorum* (cut-throats); so that if you talk of the multitude of assins, you accuse the very persons in whose pay you are.']

§ 81. **denique** implies indignation.

§ 82. **dissoluta est,** the phrase for solving catch-questions cad. pr. II. 46, *fallaces et captiosas interrogationes dissolvere*), ɔ said, like the more common *diluere*, of the refutation of ırges which it required dialectical skill to subvert.

expectatis ut, 'wait in the expectation that:' see Madvig, 60, *Obs. 1.*

de peculatu, 'embezzlement of State property.' The accuser had insinuated that Sex. Roscius had secretly kept back some of his father's confiscated property: cp. the fine passage § 145, *rogat oratque te*, &c., which alludes to the same thing.

declamare, 'to repeat, recite,' the term for a rhetorical display in a *causa ficta* at school, or, as here, for rehearsing a speech to be delivered in public: *commentaretur*, 'was preparing, studying.'

[**verbo,** merely by assertion.]

ad testes; witnesses were examined after the speeches on both sides had been heard.

[**ipsa causa,** i.e. 'my speech for the defence.']

P. 31, c. xxx. § 83. Venio nunc. The transition to the second main division of the speech; see § 35. [Cicero now turns accuser, and shows that the guilt of the murder really attaches to Magnus and Capito themselves.]

non cupiditas ducit, explained in the following words, *nam si mihi liberet accusare*, &c. [i.e. if I were an accuser by inclination, these would not be the opponents whom I should choose, but *alios potius*, more distinguished men]: cp. 91 sub fin., *studio.*

crescere, 'to rise, become famous.' An accusation in a *causa publica* was regarded as a service to the State; and it was by undertaking such an accusation, especially against a man in high position, that young Romans tried to make a name. [Cp. pro Cael. § 73, *industriam suam ex aliqua illustri accusatione cognosci.*] Cicero speaks of the misuse of the practice, de Off. II. 49 foll.

quod, adversative, 'this however;' as in § 118, *quod ita promptum est.*

sua virtute, 'through his own merit.'

iam intelleges, the apodosis to *desinamus* and *quaeramus:* cp. § 48, *refer . . . intelleges;* § 93, *quaere . . . reperies;* § 138, *decerne . . . adprobabunt.*

certum crimen: see § 53, note.

[**suspicionibus,** 'suspicious circumstances:' cp. Sall. Frag. ap. Non. II. 900, *Multis suspicionibus volentia plebi facturus videbatur;* and above, § 79.

id facerem, sc. *accusarem.*]

id erit signi, quod, &c. ['The genitive is dependent on *id* by a kind of attraction, though *signum* is predicate: cp. Auct. ad Her. IV. § 8, *Nunc hoc signi est ipsos artis scriptores*

m putasse, &c. Ter. Eun. IV. 1. 15, *hoc signi est, ubi primum derit, se illinc subducet scio*; below, § 91, *hoc commodi est*; § 147, *quidquam iam habere reliqui vides*, where *reliqui* is predicate,' Halm: meaning apparently that *id erit signi* = 'that will be sign,' though *signi* is attracted into the genitive after *id*. ut the common phrases *id negotii habeo; hoc praemii; quid mulii datis? quid hominis es?* and the like, seem to show at *id* and *signi* should be joined: 'there will be this much roof;' lit. this of proof. See Madvig, 285 b, and cp. pro Cael. 38, *quid signi?* Auct. ad Her. IV. 1, *satis erit signi*, where ie genitives could hardly be taken alone as predicates.]

§ 84. [**causam**, 'motive:' cp. § 40. Erucius had professed to iscover one, but Cicero refuted him, and hence can say *nullam periebas*: cp. § 79, *negas*.]

istis, sc. *in subselliis accusatorum*, §§ 17, 87, &c.

post viderimus: cp. Madvig, § 340, Obs. 4.

palmas: see §§ 17, 100, notes. [*alias*, as opposed to the esent *palma*, viz. the murder of the elder Sex. Roscius, in hich Capito was an accomplice.

cognoscet, 'he shall hear of:' cp. § 100, *audiet*.]

L. Cassius, sc. *Longinus*, who as tribune of the people in 7 B.C. introduced the *lex tabellaria*, which established voting ith *tabellae*, tickets, in public trials: *homo non liberalitate, alii, sed ipsa tristitia et severitate popularis*, Brut. § 97. o Halm. There are others of the same family who may be eant: 1. The Cassius of Liv. Epit. 63, who in 114 or 113 B.C. oused the orator Antonius of incest; *cuius tribunal propter niam severitatem scopulus reorum dicebatur*, Val. Max. III. 7. 9. The Cassius of Sal. Jug. 32, Praetor 111 B.C., who invited ugurtha to Rome. Asconius (ad Mil. § 32) takes the first of ese two as the hero of *cui bono*; but they may be one and e same. Richter.]

verissimum, 'truthful, conscientious;' often joined with *ligiosus*, as in Verr. Act. 1. 3, *vere ac religiose iudicare*.

quaerere. Asconius ad Mil. § 32: *L. Cassius fuit summae severitatis. Is quotiens quaesitor iudicii alicuius esset, in o quaereretur de homine occiso, suadebat atque etiam praecibat dicibus, ut quaereretur cui bono fuisset perire eum, de cuius rte quaeritur*.

[**cui bono**: often misquoted in the sense 'to what good end, r what purpose,' as if *cui* agreed with *bono*; cp. § 13, *quibus . bono*.]

§ 85. **periculum**; used in reference to the accused in a *usa publica* (Introd. § 1), not in private suits: cp. de Imp.

Pomp. § 2, Halm's note. [Shakespeare, Merchant of Venice, act iv. sc. 1, 'You stand within his danger, do you not?']

P. 32. implacatus [suggested by Graevius for the MSS. *implicitus*] = *implacabilis*, unrelenting: [*ad severitatem* then must be explained 'to a degree amounting to strictness' (for the meaning of *ad*, cp. pro Cluent. 183, *callidus ad fraudem; concupiscere ad insaniam*, &c.); though *severitatem* is weak as a climax to *implacatus*, and the change in the meaning of *ad* after *propensus ad*, 'disposed to,' is harsh.]

praeest quaestioni: see § 11.

ab innocentia; *ab* = on the side of, in favour of, as opp. to *contra*: cp. 104, *a nobis contra vosmet*; Auct. ad Her. II. 12, *a rumoribus . . . contra rumores.*

[**facile me paterer**, 'I would willingly run the risk.' *illo ipso*, sc. Cassio. *iudice . . . iudices*, 'judge . . . jurors.']

Cassianos, proverbial term for strict jurors; as in Verr. II. 3. 137, 146.

C. XXXI. § 86. [**cum viderent**: here *si viderent* would be purely conditional, 'if they were to see;' *cum viderent* assumes the condition, 'when they saw,' 'on seeing,' as they would do if present.]

eo perspicuo [*ὡς τούτου φανεροῦ ὄντος*], sc. *cui bono fuerit.*

[**eodem**, to the *praeda*, i.e. to the fact that you have got it.]

§ 87. **praefers**, 'you display;' a rare form for *prae te fers*: [Ov. Her. 17. 36, *Si modo quem praefers non simulatur amor.*]

[**societatem coieris**: cp. § 20 sub fin. We do not know whether Cicero knew this as a fact, or assumes it here, to serve as a proof of *avaritia*. 'The proof of *avaritia* is illogical, since what is given as evidence of it could only be shown through the trial itself,' Halm.]

obliviscar = *silentio praeteream.*

solus tu inventus es, 'you alone have *let yourself* be found, fixed on:' this brings out the sense of the following imperfects; ['as the man to sit,' &c.] The same idea is expressed differently, § 95: *tene tibi partes istas depoposcisse, ut in iudicio versarere et sederes cum accusatore?*

[**os**, 'your shameless face:' Verr. II. 2, § 48, *Nostis os hominis, nostis audaciam.*]

offerres, 'thrust into view.'

[**inimicitias . . . rei familiaris controversias.** The latter gives the grounds of the former.]

§ 88. **hoc dubitemus,** 'that we weigh this point.' [Cp. Virg. Aen. IX. 191.]

P. 33. **quaestum** here in a narrow sense, 'dishonourable gain.' For the contrast with *fructum*, cp. Tusc. v. 86, *quaestuosa mercatura, fructuosa aratio dicitur:* ['commerce is lucrative, makes money; agriculture earns a livelihood.' Cp. the kindred verbs: *quaestus* = gain got by seeking it (*quaero*), implying avarice; *fructus* = gain enjoyed, made use of (*fruor*).]

[**fori iudiciorumque,** objective genitives;] *insolentiam,* 'unfamiliarity with.'.

c. XXXII. § 89. **tempus citius quam oratio:** cp. Sall. Iug. 42, *de studiis partium si singillatim aut pro magnitudine parem disserere, tempus quam res maturius me deseret.*

[**neque ego non possum;** repeated § 91 sub fin., *et ego possum.* Note the words following this statement in the two passages. In § 91 Cicero merely says (as in § 83), 'I, too, could dilate,—but I shall not do so, for I am not an accuser by choice.' Here he takes a different turn, in order to lead up to a digression (§§ 90, 91) on Sulla's proscriptions: 'I, too, could dilate—for I do not think you an abler speaker than myself, though (you might perhaps pass for such, since) I suffer by comparison with other *patroni*, while you stand alone, *owing to the recent proscriptions in which so many accusatores fell.*' So Halm, who compares Momms. Rom. Hist. III. p. 353.]

mihi derogo, 'depreciate myself.'

[**in grege adnumerer,** 'may be reckoned one in a crowd:' cp. *gregarius miles.*]

[**pugna Cannensis,** i.e. massacre. The figure is carried out in § 90. *fecit,* has made you seem.]

sat bonum, sc. *accusatorem.* [*Sat* or *satis* has a limiting sense, like the French *assez:* de Orat. III. 84, *oratorem sat bonum, bonum denique,* 'fairly good, nay, good;' de Off. II. 89, *bene pascere, satis bene pascere, male pascere.*]

§ 90. **ad Servilium lacum,** an artificial reservoir, situated near the entrance of the *vicus iugarius* into the forum, and abutting on the *basilica Iulia:* see Festus, p. 290. We learn from several authorities (Seneca, de Provid. c. 3; Iulii Firmici Astron. 1. 3; Schol. ad Lucanum II. 161) that the heads of the proscribed were displayed at the *Lacus Servilius* as well as on the *rostrum.*

Quis ibi, &c., an imperfect trochaic verse, taken, according to the Scholiast, from the tragedy Achilles of Ennius, and spoken

by Ulysses when the Greeks were driven back to their ships by Hector and their bravest heroes killed.

Curtios, Marios; of these nothing further is known. [Richter suggests for the latter name M. Marius Gratidianus, a connection of Cicero through his grandmother Gratidia, styled *aptissimus turbulentis concionibus*, Brut. 233, who at Sulla's command was murdered by Catiline.]

Mammeos, a corrupt reading: Ursinus suggests *Memmios* from Brut. 136, where the brothers C. and L. Memmii are described as *oratores mediocres, accusatores acres atque acerbi;* [but only one of these lived till Sulla's supremacy, for the elder Gaius had been murdered by the gangs of Saturninus and Glaucia, B.C. 100.]

[**a proeliis**, sc. *forensibus.*] *avocabat:* so that they were no longer to be feared as combatants in the legal *ἀγῶνες*, and need not have been put to death. There is an allusion in *aetas avocabat* to the exemption of *seniores* or men between 45 and 60 years of age from military service in the field.

Priamum ipsum, a mock-heroic title for the eldest or chief of the accusers. [Cicero should have chosen a Greek name rather than a Trojan, after *ferro Phrygio* above; but Priam's name was a *perpetuum ἐπίθετον apud tragicos Latinos*, Orelli.] Some take *Priamum ipsum senem* as a second quotation from Ennius.

Antistium cannot be identified. Some understand *P. Antistius, rabula sane probabilis* ['a likely fellow enough as a stump orator'], whom we hear of in Brut. 226. But Cicero there names him as one of the *patroni* of the time, not as an *accusator;* and he fell, not in the Sullan proscriptions here alluded to, but previously under the younger Marius, as a partisan of Sulla, 82 B.C.: cp. Mommsen, III. 336. Also the words *etiam leges pugnare prohibebant* do not suit this Antistius, as they point to an accuser who had suffered the penalties of *infamia* (see § 55), and hence could not again act as accuser; while P. Antistius appears to have acted as an orator shortly before his death. [We hear in pro Balb. § 48, of a L. Antistius, *disertus homo*, who in B.C. 95 accused T. Matrinius of Spoletum for false assumption of civic rights.]

[**sescenti**, of indefinite numbers; as in Att. XIV. 12. 1, *sescenta similia.*]

inter sicarios, Introd. note 75. Accusers who were wont to attack such crimes, were those most likely to be feared and slain by Sulla's assassins.

[**qui omne . . . viverent** shows Cicero's confidence in the strength of his case. *canes*, cp. § 56.]

§ 91. [**verum**, i.e. *verum (etsi nihil mali est, &c., occisi sunt; nam)*, &c. *turba*, commotion, confusion.]

dum . . . erat occupatus: *dum*, 'while,' with imperf. indic., because a long-continued or repeated state of things is spoken of. [This is rare; *dum* with past tenses of the indic. is usually either 'so long as,' of a former condition contrasted with a subsequent one (Cic. Att. XII. 18 a, *dum illud tractabam, dolores fovebam; nunc respuo*), or 'inasmuch as,' of another aspect of a fact, or a truth latent in it (C. Mur. § 55, *dum unum gradum ascendere conatus est, venit in periculum*). That *dum* is in neither of these senses here is shown by *interea* just afterwards. Cp. Verr. II. 5. 91; Liv. v. 47, *dum haec agebantur, interea arx Romae in periculo fuit*. For the imperf. (not pluperf.) *erat occupatus*, see Madvig, § 344.]

summam rerum ['the sum total of affairs, the whole business of the State']: de Rep. 1. 42, *cum penes unum est omnium summa rerum*.

P. 34. vulneribus, i.e. private losses, the stings of avarice or desire for revenge, &c.

ita, correlative to *tamquam*: Verr. II. 4. 75, *quasi face percussus est, ita flagrare coepit*.

[**iudices**. These, before Sulla's supremacy, consisted of the equites, of whom about 1600 were proscribed by Sulla: Appian, B. Civ. 1. 95; cp. Mommsen, III. 353.]

hoc commodi est, 'there is this much advantage:' cp. § 83, *id erit signi. Si cuperent . . . interficere non possent*, 'if they had wished, . . . they could not have killed:' imperf. conj. = pluperf., cp. Madvig, 347 b, Obs. 2; below, § 102, *misit . . . ut poneret*.

ut coepi dicere = 'as I began by saying:' see § 89.

quamvis diu: see § 47.

possum, lit. 'I *can*, I have the power, (but shall not use it).' In English we say, 'I *could* (if I chose; but I do not choose').] Cp. §§ 55, 107, 135. Zumpt, LXXVI. note 1.

transire = *leviter tangere*, §§ 83, 123. So de Inv. I. 98, *transire breviter*.

studio . . . officio. The ablatives are adverbial: ['intentionally accusing, defending as in duty bound.'] Cp. Hor. Sat. I. 4. 79; and *fraude* (= *fraudulenter*) *agere, furto fallere, consilio petere* = (on purpose), &c.

c. XXXIII. § 92. **impellerent,** '*might* have urged,' the potential mood. For another use of the conjunctive, cp. in Vatin. 5, *quaero a te, cur C. Cornelium non defenderem,* 'why I *should not* defend.' [*Impulerint* here would have meant 'which did actually urge;' so *fuerit* below, 'what opportunity there *was*.' Madvig, § 382, note 1, explains *impellerent* differently.]

facultas: de Inv. I. 41, *facultates sunt, aut quibus facilius fit aut sine quibus aliquid confici non potest.* Cp. § 68, *amici . . . servi . . . tempus . . . locus.*

quid ad rem? sc. *id pertinet;* as in Phil. II. 72, *ius postulabas; sed quid ad rem?* **et alii multi,** sc. *Romae erant.*

[**quasi nunc,** &c. (cp. § 47, note), i.e. Cicero did not name the place of the murder in order to search all Rome (*tanta multitudine*) for the murderer, but as a crucial test applied to two given persons.

§ 93. **ceteras facultates.** Cicero now shows that Magnus had a further *facultas* in being a professed *sicarius,* or in league with *sicarii.*]

commemoravit: see § 80.

[**opinor . . . occiderent.** Cicero includes under *sicarii,* besides the actual assassins, the men who employed them for avaricious purposes: cp. § 80, *eosdem fuisse sectores collorum et bonorum. aut . . . aut* implies that there was no *third* subdivision.]

eorum, 'consisting of those;' *genitivus definitivus,* Madvig, § 286, Obs. 3. Cp. Verr. II. 5. 156, *quid de illa multitudine dicamus eorum qui . . . producebantur?* **in bonis erant occupati,** sc. *emendis,* = *sectores,* 'who did business in property.'

[**si eos putas . . . sin eos;** i.e. from either point of view, Magnus was a *sicarius* or in league with *sicarii.* For *alienum* as a subst., cp. Sall. Cat. 5. 4, *alieni appetens, sui profusus.*]

in eo numero [= *in eorum numero*], as § 126, *quo in numero;* § 124, *sub quo nomine.*

P. 35. leviore nomine, 'in gentler phrase,' as in Tusc. 1. 95.

[**in cuius fide sint et clientela,** 'under whose protection and patronage.']

aliquem, 'some one or other;' hinting at Chrysogonus.

§ 94. **quid postea:** cp. § 80. The ensuing sentences are in the so-called figure *altercatio:* see § 58, note.

[*ego:* cp. § 32, note.]

non continuo, 'it does not follow that . . . ;' cp. Nägelsbach, Lat. Stil. § 185. 1.

absum a crimine: see § 55, note.

quare, 'through which,' referring to *permulta*. For the adverb instead of a pronoun, cp. ad Fam. x. 21. 1, *omnia feci quare . . . resisterem*, [and the similar uses of *dont, wo*, &c. in French and German. Madvig, § 440 B, Obs. 1, explains differently.]

[**plures**, 'a number of persons,' viz. all who had taken part in the proscriptions.]

c. XXXIV. § 95. **sicut cetera**. Supply *vidimus*. After examining the *causas quae T. Roscium impellerent*, and the *facultates suscipiendi maleficii*, Cicero now proceeds to the so-called *consecutio*, i.e. inferring the guilt or innocence of a suspected person from his behaviour after the event. See pro Mil. § 61, Halm's note.

dius Fidius. Mommsen, I. p. 174, identifies the god of good faith with Hercules.

cuicuimodi es, euphem. for *quamvis sis homo nequam*: cp. Verr. II. 5. 106, *non quo illum ipsum, cuicuimodi est, quisquam supplicio dignum putaret. cuicuimodi* is genit., substituted for the regular form for euphony.

ita . . . ut tibi omnino non pepercerim, 'in a way which involved my not sparing you,' = at your expense.

quod possim. For the conjunctive, cp. § 17, *quod sciam*.

oris tui: see § 87. For construction, see Madvig, § 291, Obs. 3.

socii tui, your confederates in the murder: cp. § 87, *ex tot sicariis*.

de illorum praeda. The rule would require *de sua praeda*, but exceptions are found: cp. Verr. II. 1. 86, *Milesios navem poposcit, quae eum praesidii causa Myndum prosequeretur*; and *illorum* makes a stronger antithesis with *huius*. Similarly *ut . . . non* (instead of *ne*) before *sed*.

P. 36. mortalibus: see § 11, note.

§ 96. **antea**, § 19.

quid attinuit, 'what object was there in,' &c., differing little from a simple *cur*: cp. Verr. II. 5. 169. [*eum*, not the obj. after *attinuit*, but the subj. to *nuntiare*.]

quod . . . ad te minime omnium pertinebat. Cicero pretends that the murder 'did not concern' Magnus, because the

deceased was his enemy: [but the very fact of the *magnae re familiaris controversiae* (§ 87) gave Magnus an interest in the death of the elder Roscius.]

qua ratione, 'on what principle:' [cp. pro Quinct. § 76, *qua ratione susceptum negotium non transegerit, hoc est, cur bona non vendiderit.*]

liberi does not imply that Sex. Roscius had left other children (see § 41), as *liberi* is frequently used rhetorically for single child: cp. de Imp. Pomp. § 33.

optime convenientes, 'on the best of terms with him:' cp. de Off. I. 58, *bene convenientes propinqui.*

§ 97. [**nihil est quod metuas,** 'there is no reason for you to fear:' so § 138, *nihil est quod quisquam dicat.*

excutio, of searching a person's dress: cp. Val. Max. V. 4, § 7, *aditum filiae, sed diligenter excussae, ne quid cibi inferret, dedit.* The present tense is figurative, as though he still had the weapons upon him. *Si quid habuisti,* 'in case you had,' not 'to see whether you had' (*si habueris*).

non laboro = *non curo. Unum hoc,* i.e. leave to ask the question *ubi aut unde audivit?*]

P. 37. tantum itineris: see on § 19. *contendere,* 'to traverse;' [rare in this sense with an accus.: cp. Virg. Aen. V. 834, *contendere cursum.*] For an analogous use, see Hor. Ep. I. 1. 28, *non possis oculo quantum contendere Lynceus,* 'you cannot reach as far with your eyesight.'

c. XXXV. § 98. [**etiamne** in indignant questions, cp. Verr. II. 1. 154.]

nonne, &c. The passage is cited by the rhetorician Aquila Romanus, de Fig. Sent. § 13, as an example of διατύπωσις (*descriptio* or *deformatio*), i.e. graphic or dramatic style of narrative: [cp. de Orat. III. 202, *rerum quasi gerantur sub aspectum paene subiectio.*] The effect is heightened by the rapid succession of questions.

ignarum, 'without a suspicion of:' [pro Planc. § 40, *me ignaro, necopinante, inscio.*]

Automedontem [the charioteer of Achilles, figurative term for a swift driver; cp. Juvenal, I. 61]. See Il. XVI. 684; XVII. 459, &c.

honoris causa, 'from personal regard for him' (the French *en égard*); ironically for the simple *sua causa,* as in § 132.

§ 99. **quid erat.** Before *voluerit* one would expect *quid est,* = *cur.*

nisi hoc = *hoc tamen.* [*Nisi* here is nearly equivalent to *sed;* ances are frequent in the comic poets: cp. Pl. Rud. 751, *io nisi scio;* Ter. Eun. 827, *nescio nisi credo.* Landgraf.]

eum video possidere. The objection of Manutius and lvig to the repeated *video* is unnecessary, as the foregoing ught is repeated in the form of a chiasmus: cp. pro Sulla *conferte crimen cum vita; vitam ab initio usque ad hoc pus explicatam cum crimine recognoscite.*

§ 100. [**hanc suspicionem,** 'this kind of suspicion;' viz. of ig concerned in deeds of violence.]

palmas: see § 17, note. *lemniscatam:* Fest. p. 115, *lemnisci, st fasciolae coloriae* (coloured ribbons), *dependentes ex coronis.* e *lemnisci* were an additional mark of distinction, as a ard for a special victory: Auson. Epist. 5. 20, *Et quae idudum tibi palma poetica pollet, Lemnisco ornata est, quo palma caret.*

quae Roma ei deferatur ['which is transmitted to him from me']: a figurative way of saying that the murder had been mitted, unlike Capito's former crimes, in Rome; and that was the greatest of them all, since a gladiator would prize st highly a victory won in the capital. [Cp. Phil. 11. 11, *Sexta ma urbana etiam in gladiatore difficilis.*]

hominis occidendi, in English 'of murder:' cp. §§ 80, 93. r. Epist. 1. 2. 32, *ut iugulent hominem, surgunt de nocte ones.* Cp. below, § 145, where *hominem occidere* is in a eren[redacted]e.

habeo dicere; as in de Nat. Deor. III. 93, *haec fere dicere ui de natura deorum.*

de ponte . . . deicerit, [referring to the proverb *sexagenarios ponte.* There are two explanations: (1) *ponte* is taken as a ining allusion to the *pontes* or narrow gangways with railings, which voters in the *comitia centuriata* passed into the *ovile* closure for polling); and it is said that *sexagenarii,* men over years of age, were thrust aside from the *pontes* as no longer tled to vote: so Halm, who quotes Festus, p. 334: *quo pore primum per pontem coeperunt comitiis suffragium ferre, iores conclamaverunt, ut de ponte deicerentur sexagenarii, qui nullo publico munere fungerentur, ut ipsi potius sibi quam deligerent imperatorem.* But even if this was the accepted se of the proverb, we can hardly suppose that *sexagenarii e legally* debarred from voting, although Manutius says, *nam e maiorum nemini post annos sexaginta ferre suffragium licebat.* they were 'certainly *allowed* to serve in war, though (on ount of their age) not *compelled,* it could not have been the

intention of Serv. Tullius to deprive them of the *right* of voting; cp. Cic. post Red. in Sen. 11. 28,' Lange (Rom. Alt. 1. 412), who adds that such a cry of the *iuniores* would have no meaning unless the *sexagenarii* did originally vote. (2) There was a custom of throwing wooden images, *depontani*, from the Pons sublicius into the Tiber annually on the ides of May: these images are spoken of as *senes*, and may be meant by the *sexagenarii* of the proverb; or, as Osenbrüggen thinks, the images may have been symbolical of an ancient practice of actually sacrificing old men, and the proverb may refer to the tradition of such a practice itself. Perhaps the *origin* of the proverb is to be sought here rather than in the voting *per pontes;* but it may have become transferred to the latter, with the help of the story about the cry of the *iuniores*. (Even in ancient times the true meaning was uncertain: cp. Nonius, p. 533, *sexagenarios per pontem mittendos male diu popularitas intellexit, cum Varro de vita populi Romani honestam causam religiosamque patefecerit.* Varro's explanation was that of the voting *per pontes*.)]

atque adeo, § 29.

audiet. The cross-examination of witnesses at Rome often grew into a formal trial of or an entire speech against a witness: cp. the extant speech against Vatinius, a witness in the trial of P. Sestius. So Cicero threatens to disclose all the crimes of Capito in the *testium interrogatio*, so as to shake his credit as a witness.

§ 101. **volumen**, 'roll.'

pro testimonio, 'as evidence.'

P. 38. gravitatem, 'personal weight;' *vitam*, 'character, personage,' an exalted term for *virum*.

ius iurandum accommodetis: cp. pro Font. 31, *cum his vos testibus vestram religionem conmungetis?*

c. XXXVI. § 102. **alter**, Magnus; *ex ipsa caede*, 'immediately after:' [cp. Tac. Germ. 22, *statim e somno lavantur.*]

ut . . . poneret, 'so that he would have placed:' cp. § 91, *possent.*

alter, Capito. *si diis placet* expresses astonishment and indignation, [as though the matter could not even be mentioned without an apology to the gods.]

utrum . . . credendum. Supply the alternative *necne. ac non*, 'and not rather:' cp. § 92.

comparatum est = *institutum*, 'it was laid down as a prin-
le:' so § 153; de Domo sua 77, *ius comparatum est.*

ut vel in minimis rebus . . . non dicerent, more commonly
ne minimis quidem in rebus dicerent: cp. § 77, *unus puer . . .*
ictus non est, note.

§ 103. **tertiam partem orbis terrarum**, a rhetorical exagge-
ion.

si sua res ageretur ['if an affair of his own had been in
nd'] = *in sua re. diceret*, 'would have said:' Halm explains
› imperf. (not pluperf.) as implying a 'possible case in past
ie;' and compares *diceret, crederetur*, just below.

§ 104. **quid tu?** Cicero addresses Magnus direct, who had
ed to interrupt him or made a gesture of indignation at the
in statement of Capito's guilt, *occidendum curavit.*

ne tibi desis [*tibi* and *tua* are emphasized] = 'you must
nk of yourself, not only of Capito.' [Cp. Hor. Sat. I. 9. 56,
ud mihi deero.]

permagna, sc. *capitalis.*

audaciter: so spelt here by Cicero (see Priscian, 15. 21) for
› commoner syncop. form *audacter;* on which Quintilian
6. 17) says, *inhaerent quidam molestissima diligentiae*
:dantry) perversitate, ut audaciter potius dicant quam au-
cter.

P. 39. neque accusatore muto quisquam utitur; i.e. if
u are an accuser (see Introd. § 7), you ought to have spoken
ainst Sextus in due course, and not to have sat silent by the
l accuser's side.

esset, sc. *si istic non sederes.*

a nobis: see § 85, note.

c. XXXVII. § 105. **ad Volaterras**, and **quadriduo quo**: see
0, notes.

municipem: see § 47, note.

§ 106. **suspiciosum**, 'merely matter of conjecture,' as opposed
perspicuum: cp. Auct. ad Her. II. § 11, *cum multa concurrant*
rumenta et signa quae inter se consentiant, rem perspicuam,
a suspiciosam videri oportere.

non enim ita disputabo, in antithesis with *certo scio* below.
›ero says, 'I will not argue for the *probability* that Chryso-
ius got his information from the two Roscii, for it is a known
t; they admit it themselves.' *erat enim*, &c. and *nam cum*,
. hint two reasons which *might* be given for the probability,

but are let pass; an instance of the figure *praeteritio* [or *occupatio*; cp. Auct. ad Her. IV. § 37. Note that *nam cum*, &c. is not a reason for *erat antea amicitia*, but a second reason for *verisimile est Roscios detulisse*, &c.].

a maioribus, since the ties of *patrocinium* and *hospitium* were hereditary. [The two Roscii may have had the same patrons as their kinsman Sextus: see § 15.]

§ 107. **possum**, § 91.

indicii partem = *partem praedae* below; *indicii*, not the information itself, but the thing about which information was given. [On the other hand, cp. Ulp. Dig. XII. 5. 4, *si tibi indicium dedero ut fugitivum meum indices*, where *indicium* = *reward for* your information.] Eberhard conj. *indicii pretium*.

P. 40, § 108. age nunc, § 48 sub init.

iudicio, sarcastic. Chrysogonus has convicted the Roscii of the murder, by rewarding them so richly.

pugna, § 17.

fecerunt might have been omitted; [*nihil aliud quam* often stands adverbially = 'merely, only,' without *facere*, as in Liv. II. 32, *ventrem nihil aliud* (*facere*, omitted) *quam datis voluptatibus frui*.] Cicero more frequently has the full phrase.

[**satis fuit**, 'it *would have been* enough.']

denique, 'at most,' as in Hor. Ep. ad Pis. 267, *vitavi denique culpam, non laudem merui*.

honoris, 'acknowledgment, douceur,' in which sense *honorarium* was used later. Cp. § 135, Verr. II. 1. 38, *ei postea praemia tamen liberaliter tribuit; habuit honorem ut proditori*; ad Fam. XVI. 9. 3, *Curio misi, ut medico honos haberetur*.

praedia tantae pecuniae: cp. Verr. II. 4. 88, *signum* (a statue) *magnae pecuniae*.

manubias, 'spoils taken in war,' instead of *praedam*, to carry out the figure of *ista pugna*.

re cognita, emphatic, 'when he knew what they had done.'

c. XXXVIII. § 109. **decem primis**, Introd. note 31.

integrum, 'inviolable.' Many compounds with *in* express not-merely what is not, but what cannot be: Sal. Iug. 76, *infectus* = impossible; Tac. Agr. 18, *invictus* = invincible; so *inviolatus* = inviolable, *intactus* = not to be touched, *inaccessus* = inaccessible. Nägelsbach, Lat. Stil. 72. b. 2.

iudicatote: see § 18, note.

§ 110. **palam**, i.e. before Sulla.

cum illo . . . enuntiare: perhaps, as Fleckeisen suggests, interpolated as a repetition of the second line of this section.

P. 41. auctore, 'at his advice, suggestion;' *intercessore,* 'he undertaking the matter, on his security;' not = *impediente,* but in the sense of one who represents or acts for another. Capito undertook that the object of the *legati* should be attained. [So Halm; otherwise explained as = 'owing to his interference.']

non adierunt, 'did not demand admittance.'

fide, 'promise;' *perfidia,* 'neglect of it:' cp. § 116, note.

testimonium eis denuntiare; lit. 'signify to them evidence,' i.e. that they will be required to give evidence. Witnesses at Rome were either *necessarii* (obliged to bear witness) or *voluntarii.* The former were recognized only in criminal cases, and could be compelled to appear only by the accuser, not by the accused. Hence the words *si accusator voluerit,* in which there is a covert *sed nolet.* Cp. Quintil. v. 7. 9: *duo genera sunt testium, aut voluntariorum aut eorum quibus iudex in iudiciis publicis lege denuntiare solet, quorum altero pars utraque utitur, alterum accusatoribus tantum concessum est.*

re certa, 'an accomplished fact.'

§ 111. **rem mandatam:** a matter entrusted to a person's charge; a commission. A *mandatum* was a contract by which one person undertook to transact an affair for another without remuneration: of the two parties, the former was termed by the jurists *mandatarius,* by Cicero *is cui mandatur* or *qui mandatum recipit;* the latter *mandans* or *mandator,* by Cicero *qui mandat.* The Romans classed *mandatum* among the so-called consensual contracts, i.e. those which were entered on merely *consensu,* by mutual agreement. The *mandatarius* was bound to execute the affair with the *diligentia diligentis patris familias;* if he overlooked it, the *mandans* could bring an *actio mandati,* if he had been injured either intentionally (*dolo malo,* in Cicero *malitiose*), or through neglect (*culpa,* or *neglegentia,* the opposite of *diligentia*).

non modo malitiosius verum etiam neglegentius. [Note the position of the adversative particles, next to the specially contrasted words. So placed in English, they would combine *malitiosius* and *neglegentius* into one idea, and make no sense. To give the required sense we put them at the head of the two clauses: 'not only if a man had culpably mismanaged, but even if he had merely neglected . . . our ancestors thought,' &c. Cp. pro Deiot. 15, *tanto scelere non modo perfecto, sed etiam cogitato.* Madvig, § 461 b, Obs. 2.] *malitiosius:* in the compara-

tive, only to answer to *neglegentius;* for *malitiose gerere* was punishable in all cases, irrespective of degree.

iudicium non minus turpe quam furti. [A *turpe iudicium* was one which brought *infamia* upon the offender if found guilty: cp. pro Cluent. 119, *turpi iudicio damnati omni honore ac dignitate privantur;*] and a *iudicium mandati*, or trial for neglect of a commission, was of this class, as much as a trial for theft. Under the republic a man convicted of theft, besides restoring twice or four times the value of the stolen goods according as the theft was *nec manifestum* or *manifestum*, suffered *infamia.*

[**fides amicorum**, 'the promise.'

non enim possumus . . . gubernetur shows generally how indispensable relations of trust are to mankind.]

gubernetur, 'may be promoted.'

§ 112. [**mandatum**, sc. as one of the emissaries from Ameria to Sulla.]

de medio, sc. *stadio;* a term borrowed from the language of games: cp. Herod. 8. 22, ἐκ τοῦ μέσου ἡμῖν ἔζεσθε. [Halm gives no proof of such a derivation.]

suscipis onus, &c. The brevity of the passage (if correct as it stands) obscures the sense, which seems to be, 'You undertake the burden of a service which you believe yourself able to support, (though it has proved too heavy for you.) But such a burden does not seem heavy to men who are not light (i.e. worthless) themselves. (Therefore, by not fulfilling this service, you show your own worthlessness.)' [The objection to this, that Capito had of course *not* intended to do his duty on the embassy, is met by reading *quod te non putas*, &c. (So Kayser.) Or *onus officii*, &c. may be sarcastic = the kind or amount of service which you feel equal to, viz. merely a false one (cp. *simulato officio* above); then what follows will mean 'a light burden indeed, as it must seem to those who are not, like you worthless.']

c. XXXIX. **credidisset**, without object, = *fidem habuisset*, as in Tusc. v. 58. [Richter compares § 59 *defensurus esset*, § 6 *iudicare*, § 70 *prohibere, admonere*, &c. used **absolutely.**]

P. 42, § 113. itane est: see § 34, note.

condemnetur necesse est, i.e. has no hope of mercy.

commendatae, stronger form for *mandatae* [so *concreditae* for *creditae*].

inter vivos numerabitur; i.e. he deserves to count for dead as a citizen. The same expression is used of a dishonoured

citizen, pro Quinct. 49, *cuius bona venierunt, cuius . . . etiam victus vestitusque necessarius sub praeconem cum dedecore subiectus est, is non modo ex numero vivorum exturbatur, sed si fieri potest, infra etiam mortuos amandatur.* Cp. post Red. ad Quir. 10.

[**etiam neglegentia,** 'even neglect' (sc. on the part of the *mandatarius*), as opposed to intentional dishonesty.]

si recte fiat, 'if all is done as it should be.' Cicero says, it is the giver of a commission, not the receiver, who may take no concern about it (*neglegere*); since the former has transferred the whole care to the latter.

publice: see § 25, *decurionum decretum statim fit,* and § 115.

legationis ipsius. Cicero regards an embassy as the most sacred form of a *mandatum.*

maculaque adfecerit, instead of the more common *adspersit* (pro Planc. 30), for a play on *poena adficietur.*

§ 114. **decideret,** 'strike a bargain;' e.g. by refunding to Chrysogonus what he had spent: *fidem suam interponeret,* 'stake his own credit for Sex. Roscius, go surety for him.'

inque eam rem. Cicero more often writes *in eamque rem.*

recepisset, 'had undertaken, promised.'

per arbitrum. There were many lawsuits which depended on considerations of equity and the weighing of circumstances, and in which the judge could give his own opinions free play. Such of these cases as dealt with matters of good faith (*bonae fidei negotia*) were called *arbitria* (or *bonae fidei iudicia*), and the judge *arbiter.* One of this class was the *iudicium mandati;* hence *per arbitrum.*

rem restitueret, 'make restitution, pay damages.' Cp. Paullus in Dig. L. 16. 75, *restituere is videtur, qui id restituit quod habiturus esset actor* (the plaintiff) *si controversia ei facta non esset.*

honestatem ('good name') **amitteret** = *infamis fieret.*

§ 115. **nunc,** 'as it is' = *νῦν δέ*: as in § 148.

publice, 'in the name of the *municipium:*' cp. *voluntatem decurionum ac municipum* below.

paulum nescio quid, 'a small trifle:' cp. de Or. I. 95, *paullum aliquid* (literally, not 'some small thing,' but 'a small something'). In both cases *paullum* is adjectival, and the pronoun substantival; otherwise it would be *paulli aliquid* (cp. *pulcri aliquid, quiddam novi,* &c.), or else *paullum aliquod.* Madvig, § 285 b.

c. XL. § 116. **videte,** &c. Infidelity to Sex. Roscius, r presented as neglect of a *mandatum*, was the first aspe (c. XXXIX.) of Capito's guilt as emissary; the next aspe (c. XL.) is infidelity to his co-emissaries, *socii*. A *societas* association of several persons for a common object, especially f mercantile purposes, belonged, like *mandatum*, to the consensu contracts (§ 111); and virtually the same regulations were cu rent for both.

P. 43. rem communicavit, 'has entered into partnership cp. Verr. II. 3. 50, *socii putandi sunt quos inter res commun cata est.*

per eius fidem, sc. *datam nec servatam*, 'owing to his assu ance' [i.e. through mistaken confidence in his assurance] cp. § 110, *istius fide ac potius perfidia decepti.* Cic. (Inv. 1. 71, *qui saepenumero nos per fidem deceperunt, eoru orationi fidem habere non debemus.* Seneca, de Prov. 3. 7, *mul milia civium Rom. uno loco post fidem, immo per ipsam fide trucidata.*

atque = *accedit quod.*

ad alienos, 'in the direction of, towards.'

[**multa apertiora videant.** One would expect *intimis mul apertiora sint*, or *intimi multa apertius videant.*]

etiam, with *metuimus*, in contrast to *cavere*: 'if we do b *fear* him,' &c.

§ 117. **rei pecuniariae**: pecuniary matters were the mo usual object of a *societas*, which in such cases was called *societ quaestus et lucri.*

destituit, 'left in the lurch.'

potuerunt, debuerunt, &c.; *ὁμοιοτέλευτα*: cp. § 7, note.

etiam, 'still.'

ornatus, § 8 fin. Note the concessive sense of the particip 'though adorned.'

flagitiis, 'disgraceful actions;' *maleficium*, 'crime,' viz. t murder.

P. 44, § 118. **hoc quidem,** sc. the *scelus*: *quod* adversati 'but it;' cp. § 83, *quod certum est.*

intellegatur, 'is to be inferred:' see § 25.

si quo de, as in de Inv. 1. 41, *quod simile erit ei negotio, q de agitur.* Here the object of the transposition is to bring *q* (= *aliquo*) next to *si*.

[**dubitabitur . . . convincatur**, impersonal.]

quid tandem. Supply (not *sequitur*, but) *videtur nobis*, from what follows.

lanista, § 17. *a gladio recessisse:* cp. § 126, *ab armis recessisse.*

his is put instead of *iste* (though not meaning the defendant) as an antithesis to *ille:* see § 17, note. The comparison serves to lead to the transition to Roscius Magnus, § 119.

c. XLI. § 119. **etenim quoniam**, &c.; an instance of a *transitio:* cp. Auct. ad Her. IV. c. 26, *transitio vocatur, quae cum ostendit breviter quid dictum sit, proponit item brevi quid sequatur, hoc modo: mea in istum beneficia cognostis: nunc, quo modo iste mihi gratiam rettulerit accipite.* Here and usually in Cicero (as de Imp. Pomp. § 20) the transition is prefaced by *quoniam. Magistri:* cp. § 17.

iam antea: see § 77. *ab* (from) *istis* = *ab adversariis*, § 77; in both places Magnus is specified as answering the request, as being the bailiff of Chrysogonus.

qui postulabant: see § 77.

res ipsa, 'the request in itself.'

[**tales putantur:** present, in spite of *postulabant, vixerunt;* the imperfect might have implied that their reputation was *now* lost.] *dicerent*, 'might say:' *esset*, conjunctive after *si*, and at the same time in a conditional sense; cp. de Prov. Cons. 7, *urbs Byzantiorum sic spoliata est, ut, nisi C. Vergilius intervenisset, unum signum Byzantii ex maximo numero ullum haberent.* Pro Milone, § 38 sub fin. Madvig, § 381, Obs.

vel, 'if it were needed.'

§ 120. **recusaris**, the object *rem* being omitted; unless *rem*, which seems superfluous just above, has fallen out before *recusaris.*

cum, 'at the moment when;' joined with the present tense, as *dum*, though the construction is very rare.

oppugnari, with *ne* following, like verbs of hindering, *recusari, obsisti*, &c. Cp. pro Lig. 13, *id ne impetremus oppugnabis?*

P. 45. [**quod . . . quod**; note the difference.]

in dominos quaeri: see § 77, note.

at si quaeritur . . . in dominum quaeritur. Halm's reading only professes to give sense to the passage, which seems hope-

lessly corrupt. The general meaning is clear: the opponent defends the non-surrender of the slaves, by the argument *in dominos quaeri de servis iniquum est*, as if Sex. Roscius was the *dominus;* Cicero replies that he is no longer the *dominus*, for his property has passed into the hands of Chrysogonus, Magnus, and Capito.

[**cum Chrysogono sunt**; a new argument: cp. § 77. 'They are the attendants on the powerful favourite of the dictator, and cannot be exposed to the risk of torture.']

puerulos, 'delicate, effeminate boys.' [The *deliciae* and *artes* are specified more fully § 134.]

elegantissimis, 'highly trained.' Slaves of Greek origin are referred to.

[**ex Amerina disciplina**, i.e. of country training.]

§ 121. **ut** follows *veri simile est* only in a negative sentence or in a question expecting a negative answer: see Madvig, § 374, Obs. 2.

diligentiam here = the opposite quality to *neglegentia.*

[**ut . . . cognorit**; i.e. probably there had been neither time nor opportunity for this.]

c. XLII. § 122. [**quid igitur**: cp. § 2, *quid ergo*, note.]

minime refers to *suine maleficii occultandi causa.*

meministis: since *memini* is literally, 'I have committed to memory,' it is followed by the pres. inf. of events which when committed to the memory appeared incomplete and in progress. But here the thought is, 'you remember the division which I made' [or 'the fact of my dividing']; i.e. the event is thought of as complete, and the perf. inf. is used. For a somewhat different explanation, see Madvig, § 408 b, Obs. 2. For the fact, see § 35. [The difference between *memini te facere* and *memini te fecisse* seems analogous to that between 'I remember your doing' (i.e. I can recall the circumstances of the event) and 'I remember that you did' (i.e. I can vouch for the fact).]

in crimen et in audaciam; a remarkable abbreviation for *in criminis refutationem et in audaciae impugnationem.*

nimiam, &c.: i.e. *de Chrysogono autem nihil dicimus nisi nimiam eius gratiam nobis obstare.*

§ 123. **Ego sic existimo** [sums up the foregoing sections]. The absence of a connecting particle here, and of an adversative one at *nimiam gratiam* above, is unlike Cicero's later style. One

ɔo have expected an adversative particle below, at *Dixi*

3. **dixi initio**, § 83.

at: see § 91, note.

nter, 'accurately,' i.e. proving everything in detail.

s: the antecedent is *ea quae*, not *suspicionibus*. *De . . disserendum sit* = which *are such that* I must speak ıt greater length.

iis coniecturaeque: see § 8, note on *per sententias*.

ıı. § 124. **nomen aureum Chrysogoni**, periphrasis for *ad ıum*. In *aureum* there is an allusion not only to the t also to the wealth amassed by Chrysogonus through riptions. (*Chrysogoni* has been marked as a gloss; an ɔnjecture, though it is a question whether the allu- ld have been clear enough to Roman hearers and ithout the addition of the name.)

uo nomine = *sub cuius nomine*, as in Verr. II. 5. 177, ıem) *non is promulgavit, quo nomine proscriptam videtis; nine* freq. = *eius rei nomine*: see § 93, *in eo numero*,

: see § 21, *manceps fit Chrysogonus*.

ıttinet; i.e. which I care nothing for.

ımunem causam sectorum; i.e. I have no wish to attack *es* as a body.

qua ratione, 'on what principle:' cp. § 96.

. **audientur**, &c. The meaning seems to be this: discussing the purchase merely as *illegal* because the ɛr had not been proscribed, not as *unjust* because he offensive man; and he says, If complaints of *this* kind *ınis innocentis bona veniisse*) shall ever (in happier freely discussed and listened to, there will be more ıhed men than Sex. Roscius to complain about. The ıs of the passage is very doubtful. One would ex- ɛ *libenter audientur ac libere dicentur*, 'shall be heard ly as they are spoken voluntarily.'

'. **sive Valeria est sive Cornelia**: see Introd. note 21.

: see Zumpt, § 739. The words *qui potuerunt ista* are repeated in a different order: an instance of the *ıduplicatio*, for which see Auct. ad Her. IV. c. 28; . 107, Halm's note.

§ 126. **in adversariorum praesidiis** = 'within the enemy' lines, outposts:' see pro Lig. 27, Halm's note, and cp. pro Caec 83, *in meis castris praesidiisque versaris.*

si lege, sc. *occisus est.*

veteres leges; by which it was forbidden to kill a *homo libe* wilfully and with hostile intent, *dolo malo* (see pro Mil. § 1(sqq.), [but permitted to kill a *homo sacer*, a *perduellis*, and on who lay under *aquae et ignis interdictio.*] There is no allusio to the *leges Porciae* and *Sempronia*e, which forbade the slayin of a citizen *iniussu populi.*

quo modo, 'in what way,' i.e. as the property of a proscribe person, or as that of an enemy, or on what other principle *qua lege*, 'by what law,' since those just mentioned do no authorize it.

c. XLIV. § 127. **quem vis,** sc. *in quem vis.* Cicero ofte omits a monosyllabic preposition with the relative, when th same preposition is used just before in the demonstrative clause cp. Tusc. I. 111, *esse cum aliquo sensu in iis malis, quibus vulg opinantur.*

oratio mea, 'my express statement:' see §§ 21 sqq.

ut mentiretur . . . fingeret . . . diceret ['namely, makin false statements . . . pretending . . . saying,' &c.]. Th clauses with *ut* do not express an intention, but explain *omnia* [for this substantival use of *ut* cp. the phrases *in eo esse ut*, *e ut* ('it is the fact that'), *tantum abest ut*, &c.] *Mentiretur* without object, as in Cic. Part. Or. 50, *dolorem fugientes multi tormentis mentiti persaepe sunt.*

ut . . . passus non sit ['not having allowed']; the chan of tense distinguishes the general result from the repeat efforts which led to it.

postea: see § 132, note on *Erucius.*

§ 128. **Kalendas Iunias**; i.e. the 1st of June is named in t law as the *dies* (date), *ad quam diem . . . fiant.*

haec bona, i.e. the proceeds of the sale (*sectio*) of this p perty; **nulla redierunt,** 'were not entered at all:' a combi tion of two constructions, *nulla bona ex his redierunt*, and *h bona non redierunt.* Cp. § 54; and see Madvig, § 455, Obs. 5.

tabulas publicas, 'the State accounts.'

facetius, 'more smartly' (not 'more wittily, drolly').

corruptae aliqua ratione; e.g. by a false entry of the p ceeds of the sale amongst the receipts got in before the 1st June.

P. 48. reduviam curem; a proverbial phrase. Cicero calls the property of Sex. Roscius a trivial matter, when the immediate question is to save his life (*caput*).

non ullius instead of *nullius*, for the sake of the *anaphora* of *non*: see § 29, last note, and cp. pro Cluent. § 39. [Join *non ullius . . . sui commodi*, 'takes account of no advantage of his own.']

liberatus sit: see Madvig, § 379 a.

§ 129. **sensu ac dolore**, 'painful feeling:' cp. § 8, *sententias iusque iurandum*, note.

quae . . . pertinent. The indicative implies 'the facts which do actually concern;' on the other hand, *quid . . . velit et qua . . . contentus sit* is said from the jurors' point of view: 'you will hear all that has reference to the case, and (at the same time learn) what Roscius wishes to have said in his defence.'

qua condicione, sc. mere acquittal from the charge of parricide.

in extrema, §§ 143 sqq.

c. XLV. § 130. **mea sponte**: cp. § 129, *animi mei sensu ac dolore*; §§ 143 sqq. [*remoto*, i.e. without regarding him.]

civis optimi, not in a moral sense: see §§ 16, 126.

nihil egerit. The future perf. expresses the result of future actions: 'he will find that he has gained nothing.'

§ 131. **placet**, 'is it felt to be the fact, is it admitted?'

P. 49. pernicii: so spelt here by Cicero, according to Gellius and Nonius; the grammarian Charisius read *pernicies*; MSS. *pernicie*. All three forms of the genitive are found.

magnitudine rerum: *magnitudine* seems said rather than *necessitate*, to answer to *propter magnitudinem rerum* above, which as referring to Sulla = 'on account of the immensity of his affairs.' The comparison of Sulla to Iuppiter is lame, since it was not the wide scope of Iuppiter's rule which prevented his checking harmful effects of nature, but, as the ancients thought, the immutability of the natural laws themselves.

imperiique maiestatem, in contrast with the anarchy which prevailed in the democracies of Marius and Cinna.

aliqua: cp. § 22, *aliquid*, note.

nisi, ironically, as in § 147; more frequently *nisi forte*.

§ 132. **nomen deferendum**: see § 8, note.

cuius honoris: see § 98, note.

Erucius. Here there is a great lacuna in the MSS., in which only a few unconnected words are preserved. From the following words of the Scholiast, a fairly safe conjecture may be made as to the contents: *hoc enim dicebat Chrysogonus: 'non quia timui ne mihi tollerentur bona Roscii, ideo eius praedia dissipavi, sed quia aedificabam, in Veientanam ideo de his transtuli;'* viz., that here Cicero discussed the question opened in § 127, *omnino haec bona non veniisse*, i.e. whether the sale of the property had ever really taken place. [If Cicero could show that it had not, he would deprive his opponents of even that vestige of a legal footing.] The words of the Scholiast go to show that Cicero had inferred that there had been no sale, from the *dissipatio* of the property [since property legally come by would not be squandered in such nervous haste]. Cicero seems then to have passed to a description of Chrysogonus' wealth and arrogance, the opening words of which are given by the Scholiast, *hic ego audire istos cupio;* on which he remarks, *in hoc capite de potentia Chrysogoni invidiam facit, ut enumeret singula deliciarum genera, quod habeat plures possessiones, mancipia, quae omnia dicit de rapinis ipsum habere.*

c. XLVI. **aptam**: Lambinus supplies *hi domum aptam*, &c.; apparently the end of a comparison between the requirements of Chrysogonus and those of Sulla's more modest freedmen.

§ 133. **alter**, Chrysogonus; *tibi* implying indignation: cp. pro Sest. 89, *ecce tibi consul, praetor, tribunus pl. nova novi generis edicta proponunt.*

de Palatio, from the Palatine hill, on which many Roman nobles had mansions. From the time of Augustus the Palatine was the site of the imperial residence, whence the derivation of 'palace' (*palatium*).

animi causa = 'for his own enjoyment:' cp. § 134, *animi et aurium causa.*

domus referta; the nom. is put graphically [cp. Virg. Georg. II. 133, 4], as though *ei est* (*sunt*) and not *habet* had preceded: *praedia* links the two constructions, suiting either. Cp. pro Mil. 64.

Corinthiis et Deliacis, of Corinthian and Delian ore: see Verr. IV. 1, Halm's note; *authepsa*, i.e. a self-acting cooking apparatus. The name implies a Greek invention.

enuntiaret, called out as the last and highest bid.

quid . . . putatis esse: this and similar phrases frequently answer to our 'what must have been . . . .?' cp. below, § 134, *quos sumptus cotidianos fieri putatis?* 'what must have been his daily expenditure?' de Imp. Pomp. 32, *quam multas existimatis*

insulas esse desertas? 'how many islands must have been deserted?' ib. § 42.

stragulae vestis; referring especially to coverings for the couches used at meals, *triclinia*.

marmoris; i.e. not statues (*signorum*), but as used for the wainscotting of walls, and for inlaid floors.

P. 50, § 134. artificiis, 'qualifications.'

hasce: cp. § 62, *his levioribus*, note.

§ 135. **togatorum**, said bitterly for *civium*, citizens, who disgraced the *toga*, their robe of honour, by attending and enjoying the patronage of a freedman.

beatum, alluding to his wealth.

causam nobilitatis: see § 16. [**laedere**, because Chrysogonus was Sulla's favourite.]

meo iure, because I belong to that party myself.

hac parte, sc. that of which I am a member.

c. XLVII. § 136. **componeretur**: cp. Caes. B. Civ. 3. 16, *Pompei summam esse et fuisse semper voluntatem, ut componeretur atque ab armis discederetur*; above, § 33.

id defendisse, 'to have striven for that object.'

humilitatem, not merely of rank, but of disposition as well; similarly *dignitas* = a man's personal worth, due both to his birth and his merits.

de amplitudine, 'for the highest place;' i.e. for the possession of the highest honours of the State.

P. 51, § 137. honos habitus est, 'have been rewarded:' see § 108, *honoris*, note.

id actum est, as in §§ 142 and 149, *haec acta res est*.

recreatus, 'endowed with new life.'

c. XLVIII. § 138. **haec**, the present constitution.

queruntur, &c.: [in one sense Cicero himself is making this complaint;] but he means that those who merely complain of Chrysogonus' power as an existent fact, only arouse discontent at the system under which that power has grown up; while those who dispute his *right* to such power commend the present system, for they imply that his power is not the legal outcome of it. [The point of the sentence is that the jurors are to give such a verdict as implies *concessum ei non esse*.]

improbus, 'shameless,' as in §§ 130, 142; Verr. II. 4. 3,

improbissima ratione, 'in the most shameless manner;' Hor. Ep. I. 7. 63.

decrevissem refers here less to magistrates than to senators, since *decernere* was said not only of decrees passed by the Senate as a body, but also of the proposals or motions of individual senators.

iudicassem, in the capacity of a juror, *iudex*.

§ 139. **magistratus creavit.** In 82 B.C. Sulla was appointed dictator on the motion of the interrex L. Valerius Flaccus; but he caused consuls to be chosen for the next year, in order to carry out his changes under constitutional forms.

leges; referring partly to the constitution and the administration, partly to judicial matters, *leges iudiciariae*: see Mommsen, Rom. Hist. III. p. 349.

procuratio, 'official activity, action.'

P. 52, nostri illi nobiles, 'our nobility so confident in its strength.'

vigilantes, 'on the alert,' as opposed to *iners*, *ignavus*; cp. de Imp. Pomp. 2: *fortes*, 'courageous, steadfast,' to resist all unlawful claims.

haec, sc. *vigilantia*, &c.

ornamenta; i.e. distinctions, positions of honour, hitherto the prerogative of their rank.

necesse est; a true prophecy of Cicero's.

§ 140. **male**, from a political point of view.

cum Chrysogono, shortly for *cum Chrysogoni causa*: cp. in Vatin. 41, *etiam illud dixeris, causam Milonis coniunctam cum hoc existimari.*

equestrem splendorem. Since the time of C. Gracchus the great cause of ill-will between the nobles and the *equites* was the *iudicia*, which had been restored by Sulla to the *ordo senatorius*. In the civil war the *equites* had been for the most part opposed to Sulla, who afterwards took terrible revenge.

servi, ironically for *liberti*.

quam viam . . . adfectet; a quotation from a poet. The line is cretic tetrameter catalectic. *Munitare* [intensive from *munire*] only occurs here: the phase *iter ad aliquid adfectare* is common in Plautus; [it is used again by Cicero, de Lege Agr. 1. 5.]

ad ius iurandum: see § 8, note.

§ 141. **hoc** = *hac re, propterea.*

ausus est, sc. to set the accusation on foot.

valiturum, wanting in the best MSS.: inferior ones have *osse*. But as *posse* would here stand in the sense 'have power,' nd not as the auxiliary verb 'be able,' it would have to be aken in a future sense, though present; 'that he *would* have ower:' this makes the reading *posse* untenable. [*Posse* as an uxiliary does sometimes answer to other tenses than the pres. n English: cp. § 91.]

c. XLIX. **rem publicam**; i.e. here the government.

§ 142. [**hoc**, sc. *victoriam nobilium*.]

inermis; i.e. without myself joining in the combat.

P. 53. se ipsum probe novit; i.e. he understands that he another such villain as Chrysogonus, since he feels hurt hen Chrysogonus is attacked.

rationem communicatam ['that he has a common interest ith'].

laeditur . . . separatur, 'is injured, in that he is shut out om this glorious cause:' [i.e. invectives which, as Cicero's, eny any connection between Chrysogonus and the party of ie nobles, imply the same thing of any man who is the *fautor* Chrysogonus.]

§ 143. **haec omnis oratio** ['all this part of my speech,' from 129 onwards: cp. *extrema oratio*, § 129].

mea est; i.e. the accused at least shall not suffer any evil nsequences from Cicero's boldness.

imperitus morum, 'with no knowledge of the world, igno- nt of life:' in this sense *rerum imperitus* (*ignarus*, *nescius*, *doctus*) is more common. If the phrase is not a mere variety r *rerum* (which has been suggested as an emendation), perhaps icero means by *mores* the 'spirit of the age,' with which one ho lived far from Rome would be unacquainted.

§ 144. **si nihil**, &c.: see § 82, *de peculatu*, note.

optima fide sua, 'to the best of his belief.'

anulum, signet ring, which was worn by every free Roman. s surrender stands here for the renunciation of all rights or aims.

se ipsum nudum, 'his naked body;' **excepit**, 'has reserved.' alm quotes from the Pandects, *qui domum vendebat, excepit bi habitationem* ['reserved for himself the right of living it'].

c. L. § 145. **hominem,** not 'a man,' but=Sex. Roscius, who has just been represented as speaking: here Cicero speaks again in his own person.

P. 54. si metus; MSS. *si metuis,* which old form of the genitive may perhaps be the true reading, chosen by Cicero, in order to resemble the following *metuis.*

praeter ceteros (cp. the Greek παρὰ τοὺς ἄλλους, 'before all others') with a negative='less than others:' see §§ 2, 16. In this sense *praeter reliquos* is not found.

tu metuere non debeas, because, even if Sulla should become more conciliatory to his former enemies, he would surely not wrest from *you* the possessions you have won: *ne,* 'namely that,' as § 136, *ut componeretur.*

§ 146. **facis iniuriam;** in the same sense as *facis iniuste, si putas,* pro Flacco, 41.

spem emptionis, shortly for 'hope that your purchase will hold good.'

in iis rebus, &c.; i.e. the complete victory which Sulla had won over his enemies made it unlikely that a reaction would follow and his measures be overthrown.

monumenti causa, 'as a reminiscence.'

cruenta spolia; i.e. αἱματόεντα τὰ σκεύη, not τὰ αἱματόεντα σκεύη.

§ 147. **nihil audere,** sc. with a view to recover his property.

contra rem tuam: cp. Phil. II. 3, *contra rem suam me venisse questus est.*

metuere answers to *nihil posse, odisse* to *nihil cogitasse.*

reliqui: see § 83, *id erit signi,* note.

nisi: see on § 131 sub fin.

Balearici filia, Nepotis sorore: cp. § 27, *Nepotis filiam,* which disagrees with this. Each seems to be a gloss. If the present is correct (as seems likely from the agreement of the relationships), Caecilia was a daughter of Q. Metellus, who as consul B.C. 123 and 124 subdued the Balearic Isles and received the *agnomen* Balearicus. Her uncles were L. Metellus Diadematus, consul B.C. 117; M. Metellus, consul B.C. 115, who repressed a revolt of the Sardinians, and triumphed on the same day with the next brother; and C. Metellus Caprarius, who as consul B.C. 113 defeated the Thracians. Caecilia's brother was Q. Metellus Nepos, consul B.C. 98.

P. 55. mulier, virtute: note the play on the original meaning of *virtus.*

ıto honore should have been followed by *tanta ornamenta m* (*honorem*). Cicero chose *non minora* in order to speak ore moderate tone of the woman than of her male re-

. § 148. **hospitiis**: see § 15.

ites, viz. those of his father.

ıse, alluding to the number of such *patroni*.

ɔo quod: see Madvig, § 398 b.

ma res publica tentatur, the State is attacked in its point, i.e. in its most vital interests.

ı: see § 115, note.

9. **rationem**, 'the department, the matter of:' cp. de 3, *haec quidem res non solum ex domestica est ratione, etiam bellicam.*

lessalla: Introd. § 7.

causa cupere ac debere, 'that I wished and was bound ɜ him :' cp. ad Q. Fr. I. 4. 5, *credo tua causa velle Lentu-* believe L. wishes to serve you']; ad Fam. 13. 75, *cuius ɜ) causa omnia cum cupio, tum etiam debeo* ['whom it is y wish and my duty to oblige in all things'].

luitate = *praesentia in iudicio*; cp. pro Sest. 7, *assiduis* Probably Messalla had often appeared with Sex. at the preliminary investigation (cp. § 77) before ɜtor.

ɔritate, the weight of his name.

tuerentur; referring to the nobles banished by Marius ına.

56, c. LII. § 150. **reddit**: so most MSS. The vulgate seems impossible, owing to the present tense, *fieri non*

1. **sectores ac sicarii**: a play on the original sense of ; cp. § 80, *sectores bonorum et collorum.*

ibeant ut, shortly for *prohibeant ne fiat ut*. This very ıstruction occurs in Iulius Capitolinus Max. Iun. II., *ıibeant, ut quisquam ingenuorum pedibus meis osculum*

ilium publicum: the *consilium iudicum* could be called *n*, as one which a public official, viz. the presiding praetor, ɔmbled. Usually *consilium publicum* meant the Senate, as , but this did not prevent the term being used of other

consilia, to which it applied for the same reasons and no less correctly, though not in its technical sense.

§ 152. **tollantur**, from fear that they might in consequence of a political reaction be restored to their rights and property: see Introd. note 36.

in, 'in the case of, in the opportunity offered by;' *vestro iure iurando* = *vestris sententiis*, see § 8.

dubiumne est, &c.: this recapitulation of a former argument seems suggested here by the words *in vestro iure iurando*; 'and if you are true to that oath, how you will decide the case cannot be doubtful, *cum videatis*,' &c.

P. 57. hic, 'at the present juncture.'

c. LIII. § 153. **Quodsi**: here Cicero returns to the subject of the *proscriptorum liberi*, § 152 sub init.

potuerunt: *voluerunt* has been suggested; but by *potuerunt* Cicero means to imply with rhetorical exaggeration that the sons of the proscribed were *not* able to bear arms, i.e. were all *impuberes et inermes*, deserving pity. So *infantium puerorum* below.

suscipere noluit, in that the Senate and the magistrates had had no share in carrying out the proscriptions: cp. Plut. Sulla, 31, 'Sulla immediately proscribed eighty persons, without referring to any of the magistrates.'

more maiorum: cp. pro Sest. 65, *cur, cum de capite civis et de bonis proscriptio ferretur, cum et sacratis legibus et XII tabulis sanctum esset, ut ne cui privilegium inrogari liceret neve de capite nisi comitiis centuriatis rogari, nulla vox est audita consulum*, &c. See the speech of Caesar in Sall. Cat. 51, §§ 22 and 40.

videte . . . putetis, a common form: cp. de Imp. Pomp. §§ 26, 27, 38, 46; and ib. § 11, Halm's note. *Videte quem in locum respublica ventura sit* would mean, 'consider to what condition the State *will* come;' but *putetis* gives the last verb the force of the Greek optative with ἄν, 'to what condition the State *may* (in your opinion) come.'

§ 154. **domestica** = *in cives*.

Some editors have conjectured that the conclusion of the speech is lost. It would be difficult to say what Cicero could have added; he concludes very suitably with the wish that the acquittal of Sex. Roscius might declare that the time of bloodshed had passed away, without extinguishing all the feelings of humanity in the hearts of men.

ANALYSIS.

§§ 1—4. "How comes it that I have undertaken this defence, when more influential men have shrunk from it? §§ 3, 4. Because my youth and obscurity protect me from risk, and because I was requested by persons whom I could not refuse. §§ 5, 6. What was it that deterred others? Fear of Chrysogonus, Sulla's powerful favourite, who expects you to condemn Sex. Roscius, and so to place him in undisturbed enjoyment of the property of Sex. Roscius' father. §§ 7, 8. Do not comply with so shameful a demand. The charge brought against Sextus by my opponents has no foundation. Are these assassins to look to *you* as their aiders and abettors? §§ 9, 10. I cannot speak adequately on such subjects; give me an indulgent and fair hearing. § 11. All Rome expects strict procedure from you. §§ 12, 13. Now is your time to make a stand against audacity and crime. § 14. Listen to the facts of the case."

§§ 15, 16. Account of the elder Roscius. His attachment to the interests of the nobles. § 17. His relatives Magnus and Capito. §§ 18—21. The murder; news of it brought to Capito and Chrysogonus. § 22. Sulla himself cannot be held responsible for all this. §§ 23—28. The ensuing events (see Introduction, §§ 2—6). §§ 29—32. "What horrible crimes! I will not flinch in pleading for the victim of them, whatever dangers may threaten me. §§ 33, 34. This accusation is as unwarrantable and shameful as that brought against Scaevola by Fimbria. § 35. Sex. Roscius has to cope not only with the actual charge of parricide, but also with the audacity of his adversaries (who accuse him of what they did themselves), and with their great influence (which adds weight to the charge). 36. I shall deal with each subject separately."

§§ 37—82. Examination of the charge of parricide.

§§ 37, 38. "So grave a charge ought to be supported by evidence that the accused was a man of the worst character. 39. But Sex. Roscius is of high character. §§ 40, 41. What then could have driven him to kill his father? There was no cause of enmity between them. §§ 42—44. The accuser infers that they must have been on bad terms, from the fact that the father left Sextus in the country to manage the property, while

he kept his other son (since dead) with him in Rome. But such treatment, so far from proving enmity, was a mark of honour, and the post was lucrative. §§ 45, 46. Nor can you argue that the father preferred the other son to Sextus; the similar case in Caecilius' play shows the opposite. §§ 47, 48. I mention the case in the play rather than allude to living persons; but I could name many fathers who make favourite sons work at agriculture; and we all know many men who look on a rustic life as both pleasant and honourable. § 49. Sextus himself was a zealous and skilful farmer; though now, alas! he has no further need for his skill. §§ 50, 51. Our ancestors honoured agriculture; their greatest leaders came from the plough."

§ 52. "The accuser gives only one other argument worth hearing to prove ill-will between father and son—'The father intended to disinherit him.' §§ 53, 54. I pass over your not explaining *why* the father should have intended such a harsh act, and merely ask you to prove that he *did* intend it. You have not a word to say in proof. This is sheer mockery of the majesty of this court. §§ 55, 56, 57. Remember that accusers are liable to punishment if they urge false charges. § 58. You expected that no pleader would dare to defend Sextus; otherwise you would not have made an assertion which you confessedly cannot prove. §§ 59, 60. You may have noticed, jurors, the accuser's careless demeanour up to the moment when I revealed the conspiracy against Sextus. That alarmed him: he thought no one would have dared to do so. § 61. My defence took him by surprise."

§§ 62, 63. "The accuser, then, fails to show any motive which may have led Sextus to commit the crime. But so grave a charge as one of parricide ought to have every species of evidence to support it. §§ 64, 65. The case of Caelius shows that the slightest defect in the evidence is enough to quash a charge of parricide. §§ 66, 67, 68. The crime is so atrocious that it cannot be believed unless the evidence is complete in every respect. §§ 69—72. It is so atrocious that our ancestors ordained a terrible punishment for it, symbolizing the enormity of the crime. And you, Erucius, would accuse a man of such a crime, without even proving that he had a motive for committing it! §§ 73—76. You fail to show *why* Sextus should have killed his father; in the next place, you do not show *how* he could have killed him. Sextus was not in Rome, and it is most improbable that he could find agents for the crime. §§ 77, 78. Did he do it through his father's slaves? You, his accusers, will not allow the two slaves to be examined. Does not this show that *you* are the guilty party? § 79. You cannot show that he employed agents of any kind. §§ 80, 81. If you say

here were plenty of assassins to be hired, you convict your arty. § 82. I have now disposed of all that is worth ng to in the accusation."

83—123. The "audacity" of the accusers, in that, as now shows, they are the perpetrators of the very crime ich they accuse Sextus.

3. "I now against my will turn accuser. §§ 84, 85. had no motive for committing the crime; but Magnus had I can show this clearly enough to satisfy a Cassius—not would imply anything to the discredit of the present by alluding to Cassius. §§ 86, 87, 88. Magnus was poor, ld and avaricious, and was at enmity with the deceased. urder has made him rich. §§ 89, 90, 91. Is not that proof of his guilt?" (Here the argument is interrupted digression, on which see notes.) §§ 92, 93, 94. "And s motives, Magnus had facilities for committing the crime. s in Rome, and was familiar with professed assassins. Sex- is neither the one nor the other. § 95. What evidence is ed by Magnus' behaviour *after* the murder? I will not the proofs of his guilt. §§ 96, 97, 98. The news brought ch haste to Ameria; the messenger a dependant of us; the first recipient of the news, not the son of the ed, but Capito—everything tends to show that Magnus hand in the murder. § 99. Why was Capito first in- l? Because he was an accomplice, as is proved by his sing three of the estates. § 100. This is not the first f violence in which Capito has been concerned. § 101. et he intends to give evidence against Sextus! With character his evidence will be worthless. §§ 102, 103. s infamous pair, then, the one shows his own guilt by his ct after the murder; the other (Capito) intends to give ce in a case where his own interests are at stake, contrary precedent, as the example of Africanus shows. § 104. finally Magnus has the face to appear in court as an r of Sextus!"

105—108. "It was without doubt through Magnus and that Chrysogonus received news of the murder. That were not merely the informants, but the agents of it, is from the immense rewards which he gave them. 9, 110. It was through Capito afterwards that the ries to Sulla were cajoled. §§ 111—115. In private life ch of contract is held to be a grievous offence. How more grievously has Capito wronged Sextus by this of a public trust! §§ 116, 117. Capito has also wronged -emissaries in a way far surpassing an ordinary breach of rship. § 118. You can recognize in a man of this cter the author of the murder. §§ 119—121. Why did

Magnus refuse to surrender the two slaves of the deceased examination? All his excuses are false, and implicate his side. 'They are with Chrysogonus.' If so, it is merely in o to avoid an investigation. § 122. Not that I suspect C sogonus himself of being connected with the murder. § I have now said all that is necessary in proof of my oppone guilt."

§§ 124—150. Shows how much Sextus had been inj through the overweening influence of the accusing party particular of Chrysogonus.

§ 124. "I have no complaint against the whole bod *sectores*, but against Chrysogonus. §§ 125, 126. On v principle could he purchase the property of Sex. Roscius, was never proscribed, and was a partisan of Sulla? § Chrysogonus effected the confiscation and sale of the prop —if ever there was a sale—by misrepresenting the deceas character. §§ 128, 129. If the sale ever took place, it illegal, as the proper period had expired. I mention this, because Sextus *now* regrets the loss of his property, but matter of common concern. §§ 130, 131. I demand, then, explanation from Chrysogonus of these outrages on justice. cannot shift the responsibility to Sulla. The dictator ca be cognizant of everything that passes. § 132. Chrysog was the prime mover of all that has happened. §§ 133, His unbounded extravagance and luxury show his characte

§§ 135, 136, 137. "I am not attacking the entire part the nobles; I have always supported them, and rejoice at t victory. But is the result of it to be that men like Chrysog are licensed to lay violent hands on the property of ot and no one is to say a word of protest? §§ 138, 139. By opposing and protesting against such outrages, you promote, not injure, the cause of the nobles; and no one fear that his protests will be stifled, now that Sulla has rest constitutional forms. If our nobles wish to keep what have recovered, let them beware how they countenance men as Chrysogonus (§§ 140, 141), or they may find thems supplanted by him. His aim is to make everything, even courts of justice, subservient to him. § 142. All who well to the party of the nobles must rejoice at the protest I now made."

§§ 143, 144. "But all this part of my speech (§§ 124— comes from myself, not from my client. *He* cares nothing the loss of his property; he only asks to be acquitted from charge of parricide. §§ 145, 146. He resigns everythin you, Chrysogonus. Why then do you seek his life? § He can do you no harm; he is helpless; he depends on fri for bare food and clothing. §§ 148, 149. Is it our defenc

him that rouses your resentment? It ought not to do so. The case would have justified a far more vigorous defence. Mine has been inoffensive, and has been supported, not by the overweening prestige of a Chrysogonus, but by the energy of Messalla, an ornament and pattern to our nobility. §§ 150, 151. But if Chrysogonus will be satisfied with nothing short of my client's life, he has no hope but in you, jurors. Will *you* be the abettors of assassins? §§ 152. 153. The accusers are seeking through the present case to establish a precedent for making away with the children of proscribed persons. If you carry out their wish, you will set on foot a new and more cruel proscription. § 154. Make a stand against cruelty, the disease under which our State is now suffering."

CRITICAL APPENDIX.

LIST OF THE PASSAGES ALTERED BY CONJECTURE.

§ 2. si quis horum, *H.:* si quis (qui) istorum.

§ 4. negl. debebam, *Ernesti:* negl. debeam.

§ 8. [vel], *H.*—consueverant, *Ernesti:* consueuerunt—dilecti, *Fleckeisen:* delecti.

§ 11. dignissimam, *Madvig:* demissuis, dimissui, dimissm *libri.*

§ 15. atque, *H.:* itaque.

§ 16. is cum, *H.:* hic cum—recessum, *H.:* recessimus.

§ 17. huius modi, *Reisig:* eius modi—quique, *H.:* qui.

§ 18. [filius], *H.*

§ 22. sanet *added by Rinkes:* tamen tanta, *Lambinus:* tamen in tanta.

§ 25. adlegat, ab iis, *Lambinus:* adlegat iis.

§ 26. [Sex. Roscii], *du Rieu.*

§ 28. de ea re possit.

§ 30. in culleum, *Hotman:* in culleum supplicium parricidarum—dicant—non deest, *Heusinger:* quoniam quidem suscepi non deest.

§ 31. omnes immineant terrores, *H.:* omnes mine terrores.

§ 32. condemnetis, *Lambinus:* condemnetis Sex. Roscium.

§ 34. num est ferendum? *Hotman:* non est fer.

§ 35. Erucius, *A. Eberhard:* accusator Erucius—depoposcerunt, *Lambinus* (*corroborated by Victorinus, Rhett. lat. min.* p. 210): poposcerunt.

§ 37. quod uno maleficio scelera omnia complexum esse videatur, *Bake:* quo uno m. scelera o. complexa esse videantur.

§ 38. auditum est, *H.:* auditum sit—tandem, *Madvig:* tandem te—denique, *Lambinus:* et denique.

§ 39. disiuncta cupiditate.

§ 44. videsne, *H.:* vides.

§ 46. Ecquid, *Car. Stephanus:* quid.

§ 47. Veienti, *Fleckeisen:* veniente *codd.* Veiente *v.*—imaginem uitae, *Madvig:* imaginem nostram uitae.

8. patribus familias, *Lambinus:* patribus familiis.
4. illud quidem, *Pluygers:* illum quidem.
5. quod possim.
6. si accusatus est, *H.:* si accus. sit.
7. [in suspicione], *H.*—[sine suspicione], *Benecke*—Kal.
s, *Pighius:* calumnis.
8. deliberauit.
2. vel maxime, *A. Eberhard:* id maxime.
4. reperiebatur—quid poterat tam esse, *Madvig:* quid at iam esse (sane)—suspiciosum? suspiciosum autem? *H.:* iciosum autem.
6. elui, *P. Victorius:* leui.
0. scripsit, *H.:* scripserit—posset, *Ernesti:* potuisset.
1. natus est et careret.
3. meo loco, *Madvig:* in eo loco.
4. ipsene, *Fleckeisen:* ipse—si per liberos, *supplied by H. Matthiae*—si Ameriae—sunt ii, *H.:* sunt hi—si Romae—
onlocutus, *Gust. Krüger:* quicum locutus—pretium dedit? *Richter:* pretium dedit. *v.*
7. innocentibus, *H.:* innocenti—meministisne T. Roscium, *Stephanus:* meministine T. Rosci (Roscium)—ex iis, *Mad-* ex his.
8. et in insidiis, *H.:* in *is wanting.*
0. Quid ergo est? quo, *Madvig:* Quid ergo est, quo *v.*—
igit, *H.:* confugerit—interdum, *Ursinus:* interim—perver-
H.: perfundere.
1. nescivit, *Madvig:* nesciret.
2. ex aliqua, *A. Eberhard:* ex alia.
3. quaeramus ibi maleficium ubi, *Steinmetz:* quaeramus *or without* ubi) maleficium ubi—unum quidque, *Wesenberg:* n quodque.
5. implacatus, *Graevius:* implicatus.
6. eo perspicuo, *Puteanus:* eo perspicuum—elucet, *Heu-* *n:* eluceat.
8. reformidarit, *Büchner:* reformidat.
9. accusatorum, *Buttmann:* accusatorem—in gregem.
5. facta sint, *H.:* facta sunt.
6. quis primus, *H.:* qui primus—Capitoni primo, *Büchner:* imum.
8. capienda est, *Madvig:* capienda sit.
9. [fundos], *H.*
.00. infames eius, *Gruter:* infamius—Roma ei, *Ernesti:* ae—qui si prodierit.
.02. atque magistrum, *H.:* atque ad magistrum—ac non
, *Jeep:* an quod.
.04. istic sedere, *Hotman and Manutius:* isti credere.
.07. quis indicarit, *H.:* qui indicarit.

§ 108. T. Roscius, *Richter:* Roscius.
§ 109. eius scelus, *Rob. Stephanus:* eiusce uis.
§ 110. ficta mora, *Graevius:* fretum ora.
§ 113. inopia vivum, *supplied by H.*—iudiciumque vocatu *Graevius:* iudiciumque infamia revocatur.
§ 115. [Roscio], *Hotman.*
§ 117. [legationis], *A. Eberhard.*
§ 118. si quo de illorum, *Guilelmus:* si quod de illorum– gladio recessisse, *Madvig:* a gladiatore cessisse.
§ 119. cognoscitis—an is te non, *Heusinger:* an iste non.
§ 120. At si quaeritur de Sex. Roscii servis, non in dominu quaeritur; vos enim dominos esse dictis, *H.:* at ne quaeritu Sex. enim Roscius reus est. neque enim cum de hoc quaeritu vos enim dominos esse dicitis.
§ 121. ab istis, *H.:* ab ipsis.
§ 122. de iis, *H.:* de his.
§ 123. facta est, *H.:* facta sit—inveniri, *Pluygers:* invenire– et de una quaque, *Lambinus:* et una quaeque.
§ 124. societas latuit, *Büchner and Madvig:* societas statuit.
§ 126. recessum est, *Car. Stephanus:* recesserunt.
§ 128. fiant, Kal. Iunias, *H.:* fiant nimirum Kal. Iun.
§ 129. ex animi, *Manutius:* et animi—vitam causamque *Richter:* uitae casum causamque.
§ 130. neque proscriptus, *von Hotman,* partim invito *supplied by Madvig*—denique cur, *H.:* deinde cur.
§ 132. curavit, *Madvig:* curauit hoc iudicium.
§ 133. enuntiaret, *Mommsen:* enumerare.
§ 134. pictores.
§ 135. uidetis, iudices, *Manutius:* uidetis iudices. et iam uidetis iudices.
§ 136. pro mea, *Madvig:* pro illa.
§ 138. non laeditur.
§ 139. volent, *Richter:* volunt—nostri illi, *H.:* nostri isti.
§ 140. munitet et quod iter.
§ 141. valiturum *supplied by H.*—fortunasque nostras, *Garatoni:* fortunas vestras atque nostras.
§ 142. probe novit, *Madvig:* probe non novit.
§ 143. Sex. Roscius, *Madvig:* sed Roscius.
§ 144. de digito suum, *R. Boëmoraeus:* dedit os suum.
§ 145. si metus, *Madvig:* si metuis—Sex. *added by Richter.*
§ 147. Balearici, *Manutius:* balearis.
§ 148. omnes huic, *A. Eberhard:* o. huius.
§ 149. M. Messala, *Garatoni:* Messala—ut ii nobiles, *Mad vig:* uti nobiles.
§ 150. crudelitati sanguis praebitus, *Madvig:* crudelitate san guinis praeditus.
§ 153. rem p. venturam, *H.:* rem p. perventuram.

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